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From: To:	General Secretariat of the Council Delegations
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Subject:	Proposal on the Presidency's compromise text regarding the Commission's proposal on the application of the safe third country concept (STC proposal) - Compilation of comments received from Member States

Following the meeting of the JHA Counsellors (Asylum) on 20 October 2025, delegations will find attached a compilation of comments received from Member States on the above mentioned subject.

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Commission proposal	Drafting suggestions and Comments
General Comments	AT (Comments): **AT thanks the Presidency for the compromise proposals presented and the excellent cooperation at Council Level.** • Our position remains that the connecting criterium should be removed entirely from the STC concept. • Furthermore, we still would like to mention the candidate countries in the annex of the list of safe countries of origin. • In this regard, it should also be noted once again that, regarding the negotiations with the European Parliament, we must achieve the strongest possible position so that the proposal is not watered down. This applies especially to the STC concept. • Nevertheless, AT notes that there have been positive developments and that the current drafts are moving in the right direction DE (Comments): Overall, the proposal looks very good, which is why we only wish to comment on some details. FR (Comments): FR: La France maintient sa réserve d'examen sur ce compromis, compte tenu des incertitudes qu'il présente, notamment quant à ses conséquences sur le fonctionnement du système Dublin.

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	L'absence de remarques sur les différents considérants ou articles du compromis ne doit donc pas être considérée comme accord implicite. La France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c'est-à-dire remettre en cause les équilibres trouvés avec le Pacte. Par conséquent, elle ne pourra pas accepter la conclusion d'accords/arrangements avec des pays tiers permettant de ne pas appliquer le lien de connexion, prévue au point iii) du règlement. A ce titre, la France rappelle ses inquiétudes sur les conséquences de tels accords/arrangements sur l'effectivité des règles de Dublin. En tout état de cause, la France rappelle être particulièrement opposée aux points suivants : ➢ la référence aux accords et arrangements conclus au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; ➢ concernant la conclusion d'arrangements, qui par nature, ne sont pas contraignants, la France s'inquiète des conséquences de ces arrangements sur la mise en œuvre des transferts Dublin dès lors que les arrangements ne garantissent pas nécessairement la traçabilité, ni l'engagement effectif des parties, y compris en matière de protection des droits. En l'absence d'un document écrit et contraignant, la fiabilité et la portée de ces engagements devant les juridictions compétentes ne pourra pas aisément être établie. IT (Comments):

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	Italy appreciates the efforts made by the Danish Presidency in preparing this new compromise text which it considers a further step in the right direction. As repeatedly stated at technical and political level, Italy strongly supports the swift conclusion of the negotiations on this dossier.
	SI (Comments): SI thanks the Presidency for its efforts to adopt a compromise proposal for a regulation on safe third countries and considers that the amendments proposed so far, both in the introductory provisions and in the normative part, are a step in the right direction. We would also like to express our gratitude for the additional amendments and additions to the introductory provisions, which ensure greater clarity of the text.
	DE (Comments): We continue to consider it necessary, however, for the relationship between the provisions regarding legal remedy to be explicitly regulated in the Asylum Procedure Regulation and the Return Regulation.
Proposal for a	

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Commission proposal	Drafting suggestions and Comments
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
amending Regulation (EU) 2024/1348 as regards the application of the 'safe third country' concept	
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2), point (d), thereof	
Having regard to the proposal from the European Commission,	
After transmission of the draft legislative act to the national parliaments,	
Having regard to the opinions of the European Economic and Social Committee,	
Having regard to the opinions of the Committee of the Regions,	
Acting in accordance with the ordinary legislative procedure,	
Whereas:	

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Commission proposal	Drafting suggestions and Comments
(1) Regulation (EU) 2024/1348 of the European Parliament and of the Council[1] establishes~~sd~~ 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, including criteria of safety, due process, the connection criterion and the provisions on effective remedy. The review 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. 1 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, ELI: http://data.europa.eu/eli/reg/2024/1348/oj).	
(2) When applying the concept of safe third country as a ground for inadmissibility, Regulation (EU) 2024/1348 requires the existence of a connection between the applicant and the third country, on the basis of which it would be reasonable for the applicant to go to that country. However, 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, under the conditions provided for in Regulation (EU) 2024/1348 as amended by this Regulation.	AT (Drafting suggestions): When applying the concept of safe third country as a ground for inadmissibility, Regulation (EU) 2024/1348 requires the existence of a connection between the applicant and the third country, on the basis of which it would be reasonable for the applicant to go to that country. However, 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, under the conditions provided for in Regulation (EU) 2024/1348 as amended by this Regulation**, such as the conclusion of a legally binding agreement or a non-binding formal or informal arrangement with the third country**

Commission proposal	Drafting suggestions and Comments
	concerned ensuring the provision of effective protection in the third country concerned. AT (Comments): It is necessary to state that the legal nature of "agreements" or "arrangements" in the recitals for more legal clarity. FR (Comments): Comme mentionné précédemment, la France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c'est-à-dire remettre en cause les équilibres trouvés avec le Pacte.
(3) Member States should retain 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. While taking fully into consideration the parameters outlined in the case law of the Court of Justice of the European Union, Member States should be able to apply the safe third country concept on the basis of a connection as defined in conformity with national law or practice, in so far as specifically defined therein. 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 country, where the applicant has settled or stayed in that country, or where the applicant has linguistic, cultural or other similar ties with that country.	DE (Drafting suggestions): Member States should retain 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. While taking fully into consideration the parameters outlined in the case law of the Court of Justice of the European Union, Member States should be able to apply the safe third country concept on the basis of a connection **~~as defined in conformity with national law or practice, in so far as specifically defined therein~~**. 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 country, where the applicant has settled or stayed in that country, or where the applicant has linguistic, cultural or other similar ties with that country.

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	DE (Comments): We were not fully convinced by the explanations at the last meeting of JHA Counsellors. Currently, the requirement of a connection is provided for in the Asylum Procedures Directive, which requires implementation in national law in order to apply the safe third country concept. The future provisions in the Asylum Procedure Regulation will lead to a greater degree of harmonisation across the EU. Recital 3 appropriately refers to the case law of the European Court of Justice and specifies criteria that indicate a connection. We believe this to be sufficient and consider the addition of "*as defined in conformity with national law or practice, in so far as specifically defined therein*" unnecessary, as it would only raise questions. FR (Comments): FR: La France maintient qu'il apparait nécessaire que les notions de "lien culturel" et "autres liens similaires" soient précisées.
(4) Member States should also have the possibility to apply the safe third country concept to applicants who transited through the territory of a third country before entering the Union, as it is reasonable to expect that a person seeking international protection could have applied for protection in a safe third country through which that person transited. Previous transit through a safe third country provides an objective link between the applicant and the third country concerned. For the purposes of this Regulation, transit through a third country could include the 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	FR (Comments): La France continue d'expertiser la question du lien de transit et s'interroge notamment sur l'effectivité des conditions d'accès à la procédure d'asile, telle que prévue dans le considérant 4.

Commission proposal	Drafting suggestions and Comments
country, where he or she has had the possibility to request effective protection with the authorities of that country.	
(4a) Due to a need to strengthen cooperation with third countries on addressing irregular migration to the Union, Member States should also have the possibility to apply the safe third country concept on the basis of a legally binding agreement or a non-binding ~~**formal or informal**~~ arrangement, regardless of their formal designation, concluded with the third country concerned, provided that the agreement or arrangement contains provisions requiring the examination of the merits of any requests for effective protection made in that third country by applicants subject to the agreement or arrangement. With a view to ensuring closer intra-Union cooperation in achieving common goals in the field of migration, this Regulation should enable Member States to apply the safe third country concept to applicants under agreements to which the Union, one or more of its Member States or one or more Member States and third countries, on the one hand, and the safe third country concerned, on the other hand, are parties. Moreover, as the subject matter of such agreements may fall within the shared competence of the Union and of the Member States, the Commission and the Member States should cooperate closely when concluding agreements falling within the scope of this Regulation, with a view to ensuring unity in the international representation of the Union and its Member States. In particular, in addition to, and without prejudice to, the procedure set out in Article 218 of the Treaty on the Functioning of the European Union, the Commission should, during the negotiations of an international agreement with a third country, take due account of any existing bilateral or multilateral agreement of a Member State with the same third country and the consequences of the Union agreement for that agreement and the overall relations and cooperation of the Member State with that third country, including as regards the political and economic matters at stake.	AT (Drafting suggestions): (…) provided that the agreement or arrangement contains provisions ~~requiring the examination of the merits of any requests for~~ **ensuring the provision** of effective protection ~~made~~ in that third country ~~by~~ **for** applicants subject to the agreement or arrangement. AT (Comments): From the AT perspective, a general reference regarding the provision of effective protection by the third country must be sufficient. There does not have to be a requirement for a formal examinatio of a request, given that the effective protection in the third country is provided in general, as stated in a respective agreement or arrangement. DE (Comments): The deletion of the addition of "*formal or informal*" is acceptable for us. In the view of the Commission and the Council Legal Service, does an "*arrangement*" require a particular format? FR (Comments): Comme mentionné précédemment, la France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c'est-à-dire remettre en cause les équilibres trouvés avec le Pacte.

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Commission proposal	Drafting suggestions and Comments
	En tout état de cause, la France rappelle être particulièrement opposée à la référence aux accords et arrangements conclus au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; et à la conclusion d'arrangements, qui par nature, ne sont pas contraignants, au regard des conséquences potentielles de ces arrangements sur la mise en œuvre des transferts Dublin. IT (Drafting suggestions): 4a) Due to a need to strengthen cooperation with third countries on addressing irregular migration to the Union, Member States should also have the possibility to apply the safe third country concept on the basis of a legally binding agreement or a non-binding, **formal or informal**, arrangement, regardless of their formal designation, concluded with the third country concerned, provided that the agreement or arrangement contains provisions requiring the examination of the merits of any requests for effective protection made in that third country by applicants subject to the agreement or arrangement IT (Comments): Italy would like to maintain as wide a formulation as possible, withour ruling out any form of agreement – be it formal or less formal – with third countries, so as not to prejudge any possibile future cooperation configuration. We are strongly in favour of maintaining the possibility of multilateral agreements alongside bilateral ones. PL (Comments):

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	We consider the comments from the last meeting, which concerned the links between STCC and the Return Regulation in terms of arrangements and agreements, as a next argument (another arises from the suspensive effect issue) for organizing a joint meeting of IMEX/AWP or Asylum/Return Counsellors, or otherwise ensuring coherence between the two processes taking place in parallel in the Council. Moreover a more detailed discussion or presentation of which agreements/arrangements, in line with current EU/MSs practice, could be covered by the current wording of this provision would also have an added value. PT (Drafting suggestions): Due to a need to strengthen cooperation with third countries on addressing irregular migration to the Union, Member States should also have the possibility to apply the safe third country concept on the basis of a legally binding agreement, ~~or a non-binding formal or informal arrangement,~~… PT (Comments): Ideally, the connection criterion should stand alone. However, if agreements are also chosen as a route, it is our understanding that the conclusion of such agreements with third countries considered safe must be based on a binding legal basis, a genuine commitment, in order to establish greater security, trust, and stability.
(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	DE (Drafting suggestions):

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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. **In assessing the best interests of the child, Member States should take due account of the principle of family unity.**	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. In assessing the best interests of the child, Member States should take due account of the principle of family unity. **The protection of the family unit should also be taken into account when applying the concept.** DE (Comments): We are grateful for and welcome the addition of the aspect of the family unit for assessing what is in the best interests of the child. However, our request for addition concerns the protection of the family unit in general when it comes to applying the safe third country concept. Our proposed wording could be added to recital 5 or included in a new recital. *"The protection of the family unit should also be taken into account when applying the concept."* EL (Drafting suggestions): 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

Commission proposal	Drafting suggestions and Comments
	concerning minors. ~~**In assessing the best interests of the child, Member States should take due account of the principle of family unity.**~~ EL (Comments): We propose the deletion of the last sentence as we deem that it does have any added value, since when assessing the best interest of the child the family considerations are always taken into account. FR (Comments): Comme mentionné précédemment, la France continue d'expertiser la question du lien de transit et s'interroge notamment sur l'effectivité des conditions d'accès à la procédure d'asile, telle que prévue dans le considérant 4. IT (Comments): Italy is not objecting to the introduction of the last part of the recital, though it is deemed unnecessary. Indeed, family unity is much more than a principle: it is a fundamental right that is traditionally linked to the best interests of unaccompanied minors. Therefore, we think that even in the absence of an explicit reference, this right would still be fully recognized. PL (Comments): We do not oppose but we also do not see the added value of the latest change in the text, it seems obvious that family unity must be taken into account in the BIC assessment process.
(6) It is necessary to enhance transparency regarding the conclusion by Member States of agreements and arrangements with safe third countries, to	BG (Comments):

Commission proposal	Drafting suggestions and Comments
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 (EU) 2024/1348 as amended 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, upon concluding agreements or arrangements with third countries, Member States should be required to inform the Commission and other Member States of such agreements or arrangements before they **are provisionally applied, or enter into force, whichever is the earliest**~~become legally binding on the parties~~. In addition, in order to avoid any non-compliance with Union law and to further enhance transparency, Member States should be able, on a voluntary basis, to keep the Commission and other Member States informed of the progress of negotiations with a third country relating to agreements or arrangments authorised by this Regulation, before final agreement has been reached by the parties, including with a view to seek**ing** the Commission's assessment as to the compatibility of the envisaged agreement or arrangement under negotiation with Union law. **A high degree of transparency with regard to agreements or arrangements between Member States and third countries would also aim to ensure compliance with** ~~**This Regulation is without prejudice to**~~ the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union **and the protection of the legitimate interests of the Union and all Member States, in particular in the case of cooperation with the Union's neighbouring third countries.**	Bulgaria maintains its request for amendments in this recital and the relevant provision of the operative part. We prefer the initial text of the Commission that provides for the obligation for informing the Commission and the MSs prior the conclusion of the agreement/arrangement with certain third country. Such practice already exists in other legal acts in the area of border management and return, such as SBC and EBCG Regulation. In addition, in a spirit of transparancy and respecting the principal of sincere cooperation we believe that when the agreement/arrangement is concluded with a third country that has a common border with other Member States, those Member States should be informed/notified/consulted prior the conclusion of the agreement/arrangement and their legimitimate interests should be taken into account. This will provide for possibility for a better border and migration management in a comprehensive manner and in the interest of the Union, ensuring the security of the Schengen area. DE (Drafting suggestions): (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 (EU) 2024/1348 as amended 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, upon concluding agreements or arrangements with third countries, Member States should be required to inform the Commission and other Member States of such agreements or arrangements before they ~~**are provisionally applied, or enter into force,**~~

Commission proposal	Drafting suggestions and Comments
	~~whichever is the earliest~~ become legally binding on the parties. In addition, in order to avoid any non-compliance with Union law and to further enhance transparency, Member States should be able, on a voluntary basis, to keep the Commission and other Member States informed of the progress of negotiations with a third country relating to agreements or arrangments authorised by this Regulation, before final agreement has been reached by the parties, including with a view to seeking the Commission's assessment as to the compatibility of the envisaged agreement or arrangement under negotiation with Union law. A high degree of transparency with regard to agreements or arrangements between Member States and third countries would also aim to ensure compliance with ~~This Regulation is without prejudice to~~ the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union and the protection of the legitimate interests of the Union and all Member States, in particular in the case of cooperation with the Union's neighbouring third countries. DE (Comments): According to the first amendment[A], it seems to be the case that there is no mandatory information requirement before the agreement or arrangement becomes legally binding. What is the reason for this amendment? It is essential to avoid negative impacts on the Dublin system due to inadequate agreements or arrangements with third countries. The previous wording "*before they become legally binding on the parties*" seems preferable. We can accept the other amendments to recital 6. We also welcome that the text clarifies the relationship between agreements/arrangements of Member States with third countries and those of the EU with third countries EL

[A] "before they are provisionally applied, or enter into force, whichever is the earliest"

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	(Comments): As we have already argued, in the context of agreemnets and/or arrangements with third countries, that the MS with common borders with that third country should be consulted in advance in order to safeguard its legitimate interests and assess eventual implications of the agreement/arrangement in the border management context and internal security. These concerns are already addressed in Union law in EBCG regulation art.76 and in the context of SBC. Taking into account the sensitivity of this concerns we deem that it should be addressed in the operative part. (see drafting suggestions in art 59(5)b. The recital 6 should be accordigly adjusted. FR (Comments): Comme mentionné précédemment, la France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c'est-à-dire remettre en cause les équilibres trouvés avec le Pacte. En tout état de cause, la France rappelle être particulièrement opposée à la référence aux accords et arrangements conclus au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; et à la conclusion d'arrangements, qui par nature, ne sont pas contraignants, au regard des conséquences potentielles de ces arrangements sur la mise en œuvre des transferts Dublin.

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	La France fait part des positions suivantes dans le cas où le point iii) serait maintenu : S'agissant de la clause de transparence, les ajouts de la Présidence au considérant 6 vont dans le bon sens, mais ne sont pas suffisants. La France considère que la notification par les Etats membres parties à l'accord ou à l'arrangement devrait intervenir *ex ante*, en particulier s'il existe des frontières communes avec le pays tiers. La notification *ex ante* donne en effet l'opportunité aux autres Etats membres et à la Commission de faire part de leurs observations sans que l'accord/arrangement ait fait l'objet d'une publicité. Il nous semble également important que les Etats membres puissent demander la suspension de l'accord, dès lors que ceux-ci ont des répercussions importantes sur ces derniers, notamment en termes de mouvements secondaires. Il reviendrait à l'Etat membre partie ou aux Etats membres parties de décider de la suspension de cet accord dans le respect de leur souveraineté nationale. Cette position se traduit dans la proposition rédactionnelle suivante : (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 Regulation (EU) 2024/1348 as amended 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

Commission proposal	Drafting suggestions and Comments
	European Asylum System. To this end, and **in order to further enhance transparency and to avoid any non-compliance with Union law** ~~**upon concluding agreements or arrangements with third countries**~~, Member States should be required to inform the Commission and other Member States of such agreements ~~**or arrangements**~~ **prior to their conclusion** ~~**before they are provisionally applied, or enter into force, whichever is the earliest. In addition, in order to avoid any non-compliance with Union law and to further enhance transparency, Member States should be able, on a voluntary basis, to keep the Commission and other Member States informed of the progress of negotiations with a third country relating to agreements or arrangments authorised by this Regulation, before final agreement has been reached by the parties**~~, including with a view to seeking the Commission's assessment as to the compatibility of the envisaged agreement ~~**or arrangement**~~ under negotiation with Union law. A high degree of transparency with regard to agreements ~~**or arrangements**~~ between Member States and third countries would also aim to ensure compliance with the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union and the protection of the legitimate interests of the Union and all Member States, in particular in the case of cooperation with the Union's neighbouring third countries. **Close coordination between Members States should also apply during the implementation of the agreement, in particular when its implementation generates significant secondary movements towards other Member States.** IT (Comments): Italy is flexible on the transaprency clause, so the Presidency proposal is acceptable. PL

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	(Comments): In terms of transparency and information obligation we support the compromise text proposed by the Presidency.
(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 Council[2], 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).	
(7a) Regulation (EU) 2024/1348 provides that, where an application is rejected as inadmissible on the basis of the concept of safe third country, the determining authority should provide the applicant with a document informing the authorities of the third country that the application has not been examined in substance as a consequence of the application of the concept of safe third country. The Union and its Member States might conclude such future agreements or arrangements as authorised by this Regulation, which might include provisions on procedures for notification of transfers of applicants from the territory of the Member States to the third country that are different to the procedure provided for in Regulation (EU) 2024/1348. Consequently, where the safe third country concept is being applied with regard to a third country with which the Union or a Member State has	FR (Comments): Comme mentionné précédemment, la France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c'est-à-dire remettre en cause les équilibres trouvés avec le Pacte. En tout état de cause, la France rappelle être particulièrement opposée à la référence aux accords et arrangements conclus au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; et à la conclusion d'arrangements, qui par nature, ne sont pas contraignants, au

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concluded such an agreement or arrangement, it should be possible to apply a procedure set out in the relevant provisions of that agreement or arrangement instead of the one laid down in Regulation (EU) 2024/1348.	regard des conséquences potentielles de ces arrangements sur la mise en œuvre des transferts Dublin.
(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. In addition, there should be no automatic right to remain on the territory of a Member State where an appeal is lodged against a decision rejecting an application as inadmissible on the basis that a Member State other than the Member State in which the appeal is lodged has granted the applicant international protection. 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*.	DE (Comments): We once again advocate the deletion of the automatic suspensive effect in all cases covered by Article (38) (1). In our opinion, this is necessary to speed up and facilitate procedures. FR (Comments): La France continue d'expertiser la question du caractère automatiquement suspensif du recours contre la decisión d'inadmissibilité.
(9) Since the objective of this Regulation, namely the revision of the conditions for the application of the safe third country concept, cannot be sufficiently achieved by the Member States and can only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
(10) ǂIn accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	

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freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified ~~[~~, by letter of **22 July 2025,**~~…,]~~ its wish to take part in the adoption and application of this **Regulation.**~~[act.]~~	
~~**OR**~~	
~~**[In accordance with Articles 1, 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this [act] and is not bound by it or subject to its application.]**~~	
(11) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
(12) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.	
(13) Regulation (EU) 2024/1348 should therefore be amended accordingly,	

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HAVE ADOPTED THIS REGULATION:	
Article 1	
Regulation (EU) 2024/1348 is amended as follows:	
(1) Article 59 is amended as follows:	
(a) paragraph 5, point (b) is replaced by the following:	
‘(b) one of the following conditions is met:	
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;	AT (Drafting suggestions): ~~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~~ AT (Comments): AT once again calls for the complete deletion of the connection criterion. This means that Par. 5 point (b) should be deleted as a whole. PT (Comments):

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	The connection criterion must be maintained. However, Portugal can compromise to accept the other points of this article.
ii) the applicant has transited through the third country concerned on the way to the Union; or	AT (Drafting suggestions): ii) the applicant has transited through the third country concerned ~~on the way to the Union~~ **followed by an arrival in the Union**; or AT (Comments): The current addition in the proposal, when read together with the recitals, could be interpreted in a way that the criterion of transit could only be fulfilled where applicants have travelled directly to the Union. This would, however, fail to recognise the reality on the migratory routes. It is often the case that the way to the Union is "indirect" or that onward travel is delayed. To ensure that later arrivals equally qualify as transit, AT suggests this drafting. FR (Comments): La France continue d'expertiser la question du lien de transit et s'interroge notamment sur l'effectivité des conditions d'accès à la procédure d'asile, telle que prévue dans le considérant 4.
iii) there is an agreement or an arrangement concluded between the Union, ~~or~~ one or more Member States or one or more Member States and third countries, on the one hand, and the third country concerned, on the other hand, requiring the examination of the merits of any requests for effective protection made in the third	AT (Drafting suggestions): iii) there is an agreement or an arrangement concluded between the Union, ~~or~~ one or more Member States or one or more Member States and third countries, on the one hand, and~~with~~ the third country concerned, on the other hand, ~~requiring the examination of the merits of the~~ **any** ~~requests for~~

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country by applicants covered by that agreement or arrangement.'**;**	**providing** effective protection made in the third country ~~by~~ **for the** applicants covered by that agreement or arrangement. AT (Comments): From the AT perspective, a general reference regarding the provision of effective protection by the third country should be sufficient. There does not have to be a requirement for a formal examination of a request for effective protection, given that the effective protection in the third country is provided in general, as stated in a respective agreement or arrangement. FR (Comments): FR : La France rappelle être particulièrement opposée aux points suivants : o la référence aux accords et arrangements conclus au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; o concernant la conclusion d'arrangements, qui par nature, ne sont pas contraignants, la France s'inquiète des conséquences de ces arrangements sur la mise en œuvre des transferts Dublin dès lors que les arrangements ne garantissent pas nécessairement la traçabilité, ni l'engagement effectif des parties, y compris en matière de protection des droits. En l'absence d'un document écrit et contraignant, la fiabilité et la portée de ces engagements devant les juridictions compétentes ne pourra pas aisément être établie. La France fait part des positions suivantes dans le cas où le point iii) serait maintenu dans le compromis de la Présidence.

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	Afin de limiter les risques que représentent les accords sur l'effectivité du système Dublin, il est essentiel que les garanties des demandeurs dans le pays tiers sûr, telles que détaillées aux articles 59, paragraphe 1, et 57 (protection effective), soient assurées par ces accords. Il nous semble indispensable qu'ils prévoient un mécanisme de suivi (« monitoring ») de l'application effective de ces garanties. Cela permettra également d'assurer une cohérence avec le compromis de la Présidence, proposé à l'article 17, paragraphe 2a du règlement Retour. De plus, nous considérons tout comme le HCR (dans son avis récent sur le règlement) que les accords devraient prévoir des clauses permettant la suspension ou la révocation de leur mise en œuvre dès lors que leur application ne permet plus le respect des garanties prévues par APR. Il en va de même en cas de suspension ou de retrait de ce pays tiers de la liste européenne en application de l'article 63, paragraphe 1 a) d'APR. La France rappelle à ce titre ses inquiétudes liées aux propositions de la Présidence permettant une suspension partielle d'un pays de la liste européenne des PTS. Par ailleurs, la France rappelle ses interrogations sur la possibilité de conclure des accords/arrangements entre, d'une part, des Etats membres et tiers et d'autre part, un pays tiers sûr. La France s'interroge sur les situations que cette possibilité aurait vocation à couvrir et dans quel but cette proposition a été faite. En outre, ces accords/arrangements entraineraient seraient source d'une grande complexité que : comment cet accord pourrait s'articuler avec les règles européennes, notamment s'assurer du respect des règles européennes relatives au concept de PTS, par des pays tiers en ce qui concerne les droits du demandeur ? Cette position se traduit dans la proposition rédactionnelle suivante iii) there is an agreement ~~or an arrangement~~ concluded between ~~the Union, or~~ one or more Member States ~~or one or more Member States and~~

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	~~**third countries,**~~ on the one hand, and the third country concerned, on the other hand, requiring the examination of the merits of any_requests for effective protection made in the third country by applicants covered by that agreement ~~**or arrangement**~~. **This agreement should set out an independent body or mechanism to monitor its effective application, in particular the conditions of article 59, paragraph 1 [of APR]. When, it appears, following the monitoring, that the conditions are no longer met or when the designation of that country as a safe third country at Union level is suspended or removed in accordance with article 63, paragraph 1 a) [of APR], the application of this agreement should be fully suspended or revoked.**';** PT (Drafting suggestions): there is an agreement or an arrangement concluded between ~~the Union, or one or more Member States or one or more Member States and third countries~~, **one or more Member-States**, on the one hand, and the third country concerned, on the other hand, requiring the examination of the merits of any requests for effective protection made in the third country by applicants covered by that agreement or arrangement PT (Comments): Portugal strongly opposes the agreements or arrangements concluded by the Union, particularly regarding the Union's funding of such arrangements. Furthermore, Portugal raises concerns about the legal certainty and effectiveness of the arrangements due to their lack of formality. It is essential to ensure their transparency in order to guarantee compliance with fundamental rights and the EU *acquis*.

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	A lack of transparency and non-compliance with fundamental rights may lead to an increase in legal challenges against the application of these arrangements, ultimately undermining their effectiveness.
(b) the following ~~**two**~~**three** subparagraphs are added:	
‘Where the Commission enters into negotiations on behalf of the Union with a third country with a view to concluding an agreement as referred to in the first subparagraph, point (b)(iii), it shall take any existing bilateral or multilateral agreements of the Member States with that third country into account in the course of the negotiations, including the potential impact of the Union agreement on those agreements and on the Member States’ cooperation with the third country in the field of migration.	ES (Drafting suggestions): Where the Commission enters into negotiations on behalf of the Union with a third country with a view to concluding an agreement as referred to in the first subparagraph, point (b)(iii), it shall take any existing bilateral or multilateral agreements or specific neighboring relations of the Member States with that third country into account in the course of the negotiations, including the potential impact of the Union agreement on those agreements and on the Member States’ cooperation with the third country in the field of migration. ES (Comments): In addition to possible bilateral or multilateral agreements on the matter, Spain considers appropriate that any negotiations undertook by the Commission with a third country should also take into account FR (Comments): Comme mentionné précédemment, la France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c’est-à-dire remettre en cause les équilibres trouvés avec le Pacte. En tout état de cause, la France rappelle être particulièrement opposée à la référence aux accords et arrangements conclus

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	au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; et à la conclusion d'arrangements, qui par nature, ne sont pas contraignants, au regard des conséquences potentielles de ces arrangements sur la mise en œuvre des transferts Dublin.
An agreement concluded by the Union and a third country falling within the scope of the first subparagraph, point (b)(iii), shall 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 agreement.	AT (Drafting suggestions): ~~**An agreement concluded by the Union and a third country falling within the scope of the first subparagraph, point (b)(iii), shall 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 agreement.**~~ AT (Comments): In view of the general applicability of the principle of the primacy of EU law, it is, from the Austrian perspective, not deemed necessary to reiterate the primacy of EU agreements. If considered desirable, such clarification could be reflected in a recital. FR (Comments): FR : La France souligne que ce paragraphe n'est pas nécessaire en ce qu'il ne fait que rappeler qu'un accord conclu entre l'Union et un pays tiers prime sur tout accord ou arrangement bilatéral ou multilatéral conclu entre un État membre et ce même pays tiers, ce qui est déjà acté par le principe de primauté du droit de l'UE.

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Member States shall inform the Commission and the other Member States of any bilateral or multilateral agreements or arrangements concluded in accordance with the first subparagraph, point (b)(iii), prior to their entry into force, or, where an agreement or arrangement is to be applied provisionally, before the beginning of its provisional application. Member States shall also inform the Commission and the other Member States of any subsequent changes to, or the termination of, such agreements or arrangements.’;	AT (Drafting suggestions): Member States shall inform the Commission and the other Member States of any bilateral or multilateral agreements or arrangements concluded in accordance with the first subparagraph, point (b)(iii), ~~prior to their entry into force, or, where an agreement or arrangement is to be applied provisionally, before the beginning of its provisional application~~ **in due time**. AT (Comments): AT supports not specifying a concrete point in time with regard to the obligation to provide information upon the conclusion of an agreement. A general obligation to inform, without reference to a specific moment, should be considered sufficient. BG (Comments): Bulgaria maintains its request for amendments in this provision and recital 6. We prefer the initial text of the Commission that provides for the obligation for informing the Commission and the MSs prior the conclusion of the agreement/arrangement with certain third country. Such practice already exists in other legal acts in the area of border management and return, such as SBC and EBCG Regulation. In addition, in a spirit of transparancy and respecting the principal of sincere cooperation we believe that when the agreement/arrangement is concluded with a third country that has a common border with other Member States, those Member States should be informed/notified/consulted prior the conclusion of the agreement/arrangement and their legimitimate interests should be taken into account. This will provide for possibility for a better border and migration management in a comprehensive manner and in the interest of the Unionm, ensuring the security of the Schengen area.

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	DE (Comments): According to the first amendment[B], it seems to be the case that there is no mandatory information requirement before the agreement or arrangement becomes legally binding. What is the reason for this amendment? It is essential to avoid negative impacts on the Dublin system due to inadequate agreements or arrangements with third countries. The previous wording "*before they become legally binding on the parties*" seems preferable. We can accept the other amendments to recital 6. We also welcome that the text clarifies the relationship between agreements/arrangements of Member States with third countries and those of the EU with third countries EL (Drafting suggestions): **Alternative 1** Member States shall notify the **Commission** prior to concluding any bilateral or multilateral agreements or arrangements in accordance with the first subparagraph, point (b)(iii). In case the third country concerned has a common border with other Member States, those Member States shall be notified as well and their views and legitimate interests, in case of potential implications of the proposed agreement or arrangement to the management of its external borders or with regard to the safeguarding of its internal security, shall be taken dully into consideration by the Member States planning to conclude such agreements or arrangements. Member States shall also inform ~~the Commission and the~~ **other Member States** of any bilateral or multilateral agreements or arrangements concluded in accordance with the first subparagraph, point (b)(iii), prior to their entry

[B] "before they are provisionally applied, or enter into force, whichever is the earliest"

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	into force, or, where an agreement or arrangement is to be applied provisionally, before the beginning of its provisional application. Member States shall also inform the Commission and the other Member States of any subsequent changes to, or the termination of, such agreements or arrangements.'; **Or alternative 2** Prior to concluding any bilateral or multilateral agreement or arrangement with a third country in accordance with the first subparagraph point (b)(iii), a Member State shall notify the Commission and the other Member States within reasonable time and shall/may provide the necessary information, with the objective to allow the examination of any consequences related in particular to border management of the external borders and/or with regard to the safeguarding of the internal security, especially by those Member States having a common border with the third country concerned. In line with the principle of sincere cooperation, the Member State shall take dully into consideration the views and legitimate interests of the other Member States, in particular those of a Member State in case of potential implications of the proposed agreement or arrangement to the management of its external borders or with regard to the safeguarding of its internal security. EL (Comments): Same justification as in rec 6 FR (Comments):

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	Comme mentionné précédemment, la France maintient son opposition à la suppression du lien de connexion, ou au caractère facultatif de ce lien, qui aboutirait au même résultat, c'est-à-dire remettre en cause les équilibres trouvés avec le Pacte. En tout état de cause, la France rappelle être particulièrement opposée à la référence aux accords et arrangements conclus au nom de l'UE, et *a fortiori* s'ils entrainent un financement de l'Union ; et à la conclusion d'arrangements, qui par nature, ne sont pas contraignants, au regard des conséquences potentielles de ces arrangements sur la mise en œuvre des transferts Dublin. La France renvoie par ailleurs à ses commentaires au considérant 6. La France fait part de la proposition rédactionnelle suivante dans le cas où le point iii) serait maintenu dans le compromis de la Présidence : Member States shall inform the Commission and the other Member States of any bilateral or multilateral agreements ~~**or arrangements**~~ concluded in accordance with the first subparagraph, point (b)(iii), prior to their **conclusion** ~~**entry into force, or, where an agreement or arrangement is to be applied provisionally, before the beginning of its provisional application**~~. Member States shall also inform the Commission and the other Member States of any subsequent changes to, or the termination of, such agreements ~~**or arrangements**~~.';
(c) in paragraph 6, the following sentence is added to the end of the paragraph:	
'Member States shall not apply paragraph 5, point (b)(iii), where the applicant is an unaccompanied minor.';	ES (Drafting suggestions):

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	'Member States shall not apply paragraph 5, point (b) (ii) and (iii), where the applicant is an unaccompanied minor.'; ES (Comments): Spain considers necessary to expand paragraph excepction also to (b)(ii).
(d) in paragraph 8, point (b), the following sentence is added:	
', unless a different procedure for informing the authorities of the third country is set out in an agreement or arrangement between the Union or that Member State and the third country as referred to in paragraph 5, point (b)(iii).';	
(2) In Article 68(3), point (b) is replaced by the following:	
'(b) a decision which rejects an application as inadmissible pursuant to Article 38(1), point (a), (b), (c), (d) or (e), or Article 38(2), except where the applicant is an unaccompanied minor subject to the border procedure.'	AT (Drafting suggestions): '(b) a decision which rejects an application as inadmissible pursuant to Article 38~~(1), point (a), (b), (c), (d) or (e), or Article 38(2)~~, except where the applicant is an unaccompanied minor subject to the border procedure.'. AT (Comments): For the sake of simplicity, it should be sufficient to refer only to Article 38 APR, rather than listing all paragraphs and points in detail. DE (Comments):

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	We once again advocate the deletion of the automatic suspensive effect in all cases covered by Article (38) (1). In our opinion, this is necessary to speed up and facilitate procedures. We continue to consider it necessary, however, for the relationship between the provisions regarding legal remedy to be explicitly regulated in the Asylum Procedure Regulation and the Return Regulation. EL (Comments): We reiterate that this addition is exceeding the scope of art 77 where the review of APR foreseen for the Safe Third Country concept provisions. PL (Comments): We appreciate the clarification from the Commission and the Council Legal Service when it comes to adding c. Since it is legally permissible, as was explained by the CLS we will not oppose it. However even if legally acceptable and justified when it comes to the content, we fail to see the STCC's connection with this amendment. Point c refers to Member States. It also does not apply to Dublin itself, as it refers to beneficiaries of international protection, who are outside the scope of the Dublin system. SI (Comments): SI emphasises the previously expressed views regarding the automatic suspensive effect, according to which we believe that the abolition of the automatic suspensive effect would not bring any significant changes in practice, as the applicant still has the option to request suspensive effect,

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	which, in accordance with the current practice of the Administrative Court of the Republic of Slovenia, is generally always the case in such situations.
	AT (Drafting suggestions): **In Article 77, the following sentence is added** **Within two years, the Commission shall review the concept of safe third country with regards to its practical feasibilty and propose amendements where appropirate in order to further stregthen the safe third country concept** AT (Comments): AT suggestes a clause allowing the opportunity for a review of the safe third country concept in the near future to strenghten the practical implementation if needed.
Article 2	
This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.	
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	
Done at Brussels,	

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For the European Parliament *For the Council*	
The President *The President*	

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