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MEETING DOCUMENT

From: General Secretariat of the Council
To: Asylum Working Party

Subject: Asylum Working Party - presentations

Delegations will find enclosed the presentations by DG HOME, EUAA and the Danish Presidency that were presented during the Asylum Working Party meeting on 10 June 2025.



Proposal to revise the Asylum Procedures Regulation (2024/1348) as regards the conditions for the application of the Safe Third Country concept

DG HOME

Unit C.3 Asylum

European Council AWP

10 June 2025



The application of the **STC** concept under EU law

STC concept = tool allowing to reject applications for protection as *inadmissible* (i.e. without examining if the person qualifies for protection) and transfer the applicant to a third country that is 'safe' and where s/he could apply for and obtain protection under the national law of the TC.

Conditions for the application of the **STC** concept:

- 1) **Safety**: conditions for considering the TC as 'safe' (Art. 38(1) APD, respectively Art 59(1) APR).
- 2) The existence of a **connection** between the applicant and the third country (Art. 38(2)(a) APD, Art. 59(5)(b) APR)
- 3) Right to an **individual assessment** of whether the third country is safe for the applicant concerned (Art. 38(2)(c) APD, Art. 59(5)(a) APR)
- 4) **Right to effective remedy** (Art. 46 APD, Arts. 67-69 APR)



Review of the **STC** concept (see **SWD**)

Elements considered

- **Challenges** encountered by the Member States in the application of the concept.
- **Changes already introduced by the APR** in the application of the STC concept.
- **Scope/margin for revising** the conditions for the application of the concept under international refugee and human rights law.
- **Relevant jurisprudence** of the CJEU and ECtHR.
- **Consultations** the Member States, the European Parliament, UNHCR and civil society representatives.



Scope for revision under international law

- No scope for revising the “safety” conditions, the obligation to make an individual individual assessment of whether the STC is safe given the circumstances of the individual, and the right to effective remedy- EU is already aligned with international law on these aspects.

There is scope for:

- **revising the connection requirement**, which is not mandatory under international law, and

- **rendering non-automatic the suspensive effect of the appeal against the inadmissibility decision** taken on the basis of the STC concept without affecting the effectiveness of the remedy.

The Proposal

1) **Connection:** When applying the STC concept, Member States will have **three alternative options:**

- To apply connection, as defined in national law, in line with CJEU case law and international standards; *or*
- To consider transit as a sufficient connection; *or*
- To apply the STC concept without connection or transit, but on the basis of an agreement or arrangement with the STC whereby the latter commits to examine on the merits the application for protection of each individual transferred. **Safeguards:** this option would not apply to unaccompanied minors + **transparency clause** (Member States to inform the Commission and other Member States prior to concluding such agreements or arrangements with safe third countries)

2) **The suspensive effect of appeals against inadmissibility decisions based on the STC concept will be non-automatic.** However, appeals against the related return will have an automatic suspensive effect when there are risks of refoulement.

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- Further strengthening the **EU's external borders**
- **Effective returns** of third country nationals staying illegally in the Union
- **Implementation of the Pact on Migration and Asylum**
- **New solutions** as a supplement to the Pact

**DENMARK'S
PRIORITIES
UNDER THE
MINISTER OF
IMMIGRATION
AND
INTEGRATION**



AWP: KEY PRIORITIES

- Implementation of the Pact on Migration and Asylum
 - Annual Solidarity Pool
 - Union Resettlement and Humanitarian Admission Plan (2026-2027)
- Proposal concerning the concept of Safe Third Country ('STC') in the Asylum Procedure Regulation
- Establishment of a list of Safe Countries of Origin at Union level

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AWP: PRELIMINARY MEETING DATES

Meeting details	Date	Location
AWP	11 July 2025	Brussels
AWP	8 September 2025	Brussels
AWP	22 October 2025	Brussels
AWP	12 November 2025	Brussels

- Informal SCIFA **17th - 18th September 2025**, Copenhagen



SCIFA: PRELIMINARY MEETING DATES



- SCIFA **27th October 2025**, Brussels
- SCIFA **26th November 2025**, Brussels

- Informal meeting of Justice and Home Affairs ministers: 22nd – 23rd July 2025, Copenhagen



MINISTERIAL MEETINGS



- JHA Council : 13th – 14th October 2025, Luxembourg

- JHA Council: 8th – 9th December 2025, Brussels



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