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NOTE

From:	Presidency
To:	Asylum Working Party
Subject:	Flash note from the Presidency - AWP 11.07.2025

With a view to the meeting of the AWP on 11 July 2025, delegations will find attached the Danish Presidency Flash note.

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PRESIDENCY FLASH NOTE

11-07-2025

Asylum Working Party

Dear Colleagues,

We are pleased to invite you to the first Asylum Working Party under the Danish Presidency. The meeting will take place on **11 July 2025 at 10.00** as a full-day session.

Followingly the adoption of the agenda, we will discuss the **implementation of the Pact on Migration and Asylum**. Based on the recent progress report, the Commission will inform delegations on the state of play of the implementation report and on the progress of preparation of the first asylum and migration report, including the meetings of the Blueprint network and the Solidarity Platform 'Pact'.

As a second element under this heading, the Commission will update the Council on recent meetings in the Contact Committees and the AMMR Regulatory Committee. An update will also be provided on the participation of the Dublin-associated countries in AMMR. The Commission will also provide an update on the preparation of the Union Resettlement and Humanitarian Admission Plan (2026-2027) and inform on the next steps in this regard. Member States will be invited to ask questions and exchange their views on any of the sub-items.

The third item of the agenda will be dedicated to **the legislative proposal concerning the application of the 'safe third country' concept**. Given that the revision of the safe third country concept is of great importance to many of the Member States, the objective of the Danish Presidency remains a swift adoption of a general approach.

Following the presentation of the content of the proposal by the Commission and the Member States' preliminary exchange of views at the last Asylum Working Party on 10 June, we will proceed with a

more detailed examination of the provisions of the proposal. While Member States are encouraged to raise any issues they may wish, the Presidency intends to focus on the two key aspects of the proposal outlined below and suggests to structure the discussion with two rounds of interventions around those topics, with a particular focus on the question for delegations set out below:

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1. Article 1(1) amending Article 59 APR

Article 1(1) of the proposal concerning the safe third country concept itself is the key provision of the Commission's proposal. It replaces the current mandatory connection criterion with three alternative options, including providing the basis in EU law for agreements or arrangements with third States requiring the examination of the merits of applications for international protection. It also introduces other ancillary elements, such as a transparency clause requiring Member States to notify the Commission and other Member States before concluding agreements or arrangements with safe third countries.

- Could delegations accept the Commission's proposed alternatives to the connection criterion? Or do delegations rather prefer the complete removal of the current Article 59(5)(b) APR?
- Do delegations believe that the scope of the proposed Article 59(5)(b)(iii) should be clarified in order to also explicitly encompass EU agreements and arrangements?
- What are delegations' views on the transparency clause? If delegations can support a requirement to notify the Commission and other Member States *ex post facto*, what would their preferred timing of the notification be? (e.g., immediately following the conclusion of an agreement? Before its entry into force? Before the first applicant is transferred to the third State?)

2. Article 1(2) amending Article 68 APR

The Commission proposal extends Article 68(3)(b) APR to also cover inadmissibility decisions taken on the basis of the safe third country concept, meaning that there will no longer be an automatic suspensive effect of appeals against decisions declaring asylum claims inadmissible on safe third country grounds. However, the Commission proposal notes that this is without prejudice to appeals lodged against related return decisions where there is a risk of breaching the principle of non-refoulement.

- Do delegations support removing the automatic suspensive effect of appeals against inadmissibility decisions based on the safe third country concept?
- Do delegations believe that additional clarifications are needed in order to define how this change would be implemented in practice?

Lastly, delegations are invited to indicate whether, apart from the above, any further aspects of Article 59 or the APR as a whole should, in their view, be modified in light of the proposed changes in the Commission's proposal.

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The fourth point of the agenda will be **the Commission proposal as regards the establishment of a list of safe countries of origin at Union level**. After discussions held under the Polish Presidency, we believe it is time to take a step back and look at some issues in more detail in order to gain a common understanding of the practical implications of the proposal and the way forward. In order to facilitate the debate and the adoption of possible compromises, the Presidency has prepared a discussion paper with several questions to the delegations. We believe such an in-depth discussion is a necessary step in order to move forward with the proposal.

AOB

We will conclude the meeting with the AOB points (if any). Member States who wish to propose an AOB item are kindly requested to inform the Presidency by **9 July 2025** by sending an email to: asylum.WP.DK25@uim.dk with the Council's Secretariat in copy at: jai.migration@consilium.europa.eu.

We are looking forward to seeing you all next week!

Best regards,

The Danish Asylum Group Presidency Team