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Safe countries of origin and safe third countries: criteria for identifying and examining applications in light of the new Asylum Procedure Regulation (EU) 2024/1348

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Explanatory note

This inform was prepared on the basis of national contributions from [26] EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, and RS) collected via an AHQ developed by the EMN NCPs to ensure, to the extent possible, comparability. The information contained in this inform refers to the situation in the abovementioned EMN Member and Observer Countries up to September 2025.

Statistics were sourced from Eurostat, national authorities and other (national) databases.

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1. KEY POINTS TO NOTE

- Of 26 European Migration Network (EMN) Member Countries and Serbia,¹ 19 indicated using a national list of safe countries of origin (SCO)s. Finland and Portugal apply the SCO concept on a case-by-case basis. Countries that use a national list reported different procedures for drafting and adopting such lists. The vast majority of national lists are drafted and approved by a government body and/or agency, typically by decree or ministerial decision. Three countries use their regular legislative process and involve their parliament in the procedure.
- Estonia, Malta and Luxembourg have territorial or group exceptions to the application of the SCO concept on the basis that applicants coming from certain regions or belonging to specific categories of people may still face risks of persecution or serious harm. For example, Luxembourg's national SCO list considers Benin and Ghana safe only for male applicants. Malta applies both geographical (regions of Egypt and Senegal) and group exceptions, including individuals who may face persecution on account of their diverse sexual orientations, gender identities, gender expressions, or sex characteristics (SOGIESC). The Netherlands has stopped applying exceptions, following recent jurisprudence of the Court of Justice of the European Union (CJEU).
- Twenty countries use an accelerated procedure to examine the applications of individuals coming from SCOs. The timeframe for filing appeals differs significantly between countries, ranging from one week in the Netherlands to 30 days in Finland or one month in France. Bulgaria, the Netherlands and Slovakia exclude unaccompanied minors from the accelerated procedure. Finland applies it to vulnerable applicants only under certain conditions, while Italy does not apply the accelerated procedure to either group.
- Twenty-one countries have provisions in national law regulating the use of the safe third country (STC) concept. Of these, six countries have adopted national lists of STCs while 13 apply the STC assessment on an *ad hoc* basis. In countries that have adopted national lists, the same actors draw up and adopt STC lists and SCO lists.
- Of the countries applying the STC concept, 17 EMN Member Countries reported conducting the mandatory individual assessment to determine that the STC concept may be applied to a particular applicant. The eight countries that do not conduct this procedure do not regulate (or apply) the STC concept in their legislation.
- Cyprus, Hungary and Malta apply a geographical and/or group exception to the use of the STC concept. Although Malta's national provisions do not explicitly mention geographical or group exceptions, they do require an assessment of safety on a case-by-case basis, which may lead to individual exceptions based on geography or identity. None of these countries have established a STC list and instead conduct the STC assessment on an *ad hoc* basis and, if the third country is found to be safe for the applicant, apply the concept.
- In addition to those specified in Directive 2013/32/EU (recast Asylum Procedures Directive), certain countries have added additional criteria to their assessment of a third country as safe, such as compliance with specific international human rights conventions or the possibility for the applicant to reside in that country during the procedure for international protection. None of the countries applying the STC concept requires specific assurances and/or guarantees from countries in respect of the treatment of transferred individuals upon arrival.
- Six countries reported challenges in applying the STC concept. Those include: litigation around the designation of specific countries as safe, establishing a reasonable connection between an applicant and the third country in question, and the readmission of applicants to STCs.
- Eight EMN Member Countries reported good practices in applying the SCO and STC concepts, largely in relation to the detection of vulnerable applicants and assessment of their applications (e.g. more extensive training of case officers, adaptation of the interview format, changes in the examination procedure). Three countries highlighted more general practices in applying the concepts to status determination procedures. On the application of the SCO concept, countries underlined: rigorous and continuous review of the SCO list, establishment of dedicated asylum units for the processing of applications from individuals coming from SCOs, and easier detection of applicants coming from SCOs through automation of the case management system.



2. INTRODUCTION

2.1. Context and policy framework

European Union (EU) law provides for the use of the safe country of origin (SCO) and safe third country (STC)² concepts by EU Member States in examining

international protection applications. Until Regulation (EU) 2024/1348 (Asylum Procedure Regulation)³ enters into application on 12 June 2026, the two concepts and their application are defined in Articles 36-38 and Annex 1 to

1 Note for the reader: The key points/executive summary section provides a summary of the main information contained in the inform or study. For ease of reading, key points do not contain footnotes. Please note that EMN Member and Observer Countries referred to in the key points or executive summary are listed in the relevant sections within the current document.

2 Other safe country concepts regulated by EU law, such as first country of asylum and European STC, are not discussed here.

3 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, <https://eur-lex.europa.eu/eli/reg/2024/1348/oj>, accessed 15 September 2025.

Directive 2013/32/EU (recast Asylum Procedures Directive).⁴

An SCO is a country where, on the basis of the legal situation, application of the law within a democratic system and general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU (recast Qualification Directive),⁵ no torture or inhuman or degrading treatment or punishment, and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.⁶ In making this assessment, Annex 1 to the recast Asylum Procedures Directive specifies the need to consider the extent to which protection is provided against persecution or mistreatment by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and/or the International Covenant for Civil and Political Rights (ICCPR) and/or the United Nations (UN) Convention against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment, particularly the rights from which derogation cannot be made under Article 15(2) of the ECHR; (c) respect for the non-refoulement principle in accordance with the Geneva Convention; and (d) provision for a system of effective remedies against violations of those rights and freedoms.

Member States may introduce legislation for the national designation of SCOs, including national lists of SCOs, but are required to regularly review the situation in the designated third countries and base their assessment on a wide range of reliable sources (Article 37 of the recast Asylum Procedures Directive). Practical application of the SCO concept to the situation of an applicant coming from a designated SCO must be based on an individualised assessment, during which the applicant is allowed to submit any serious grounds for not considering the country an SCO in their particular circumstances and in terms of their qualification as a beneficiary of international protection (BIP) in accordance with Article 36 of the recast Asylum Procedures Directive. Determination of a country of origin as safe for a particular applicant may result in their application being processed in the accelerated procedure or at the border or in a transit zone, in accordance with Articles 31(8) and 43 of the recast Asylum Procedures Directive, and may be declared unfounded in accordance with Article 32.

An STC is defined as a third country that treats a person seeking international protection in accordance with the following principles, notably:

- Life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion.

- There is no risk of serious harm as defined in the recast Qualification Directive.
- The principle of non-refoulement in accordance with the Geneva Refugee Convention and Protocol is respected.
- The prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected.
- The possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Refugee Convention and Protocol.⁷

Similarly, countries may introduce national legislation to regulate the application of the STC concept, including establishing a list of designated STCs. In line with Article 38(2) of the recast Asylum Procedures Directive, relevant provisions laid out in national law would cover: rules requiring a connection between the applicant and the third country concerned, on the basis of which it would be reasonable for that person to go to that country; rules on the methodology applied for the case-by-case assessment of whether a (designated) STC may be considered safe for a particular applicant; safeguards based on international law prescribing an individual examination of the situation of the applicant in relation to the application of the STC concept, as well as allowing the applicant to challenge the presumption of safety. In line with Article 33(2)(c) of the recast Asylum Procedures Directive, under this procedure, an application for international protection may be considered inadmissible if it is ascertained that the country in question is considered an STC for the applicant.

A recent European Union Agency for Asylum (EUAA) report⁸ shows that EU+ countries⁹ diverge considerably in the countries they designate as safe. As of December 2025, only eight countries are recognised as an SCO by more than 14 EU+ countries (of those implementing national SCO lists). These include Albania (21 countries), Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia (20 countries each), Kosovo (19 countries), Georgia (17 countries) and Ghana (14 countries). Of the countries with national SCO lists, most of the designated SCOs (35 countries) are listed as such by three or fewer EU+ countries.

National and European jurisprudence has evolved, notably in relation to considering exceptions for specific parts of a territory or clearly identifiable categories of persons. The 2005 Asylum Procedures Directive explicitly allowed for the national designation of part of a country of origin as safe and/or of a country or part of a country as safe for a specified group of persons (Article 30(3)). The recast Asylum Procedures Directive does not include that provision, with the issue left open to interpretation until recent rulings

4 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), <https://eur-lex.europa.eu/eli/dir/2013/32/oj/eng>, accessed 18 September 2025. Ireland did not opt into the recast Asylum Procedures Directive and the earlier Directive (EU) 2005/85/EC still applies to the country; Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005L0085>, accessed 15 September 2025.

5 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, accessed 16 September 2025.

6 EMN Glossary, 'Safe country of origin', version 10.0, <https://ec.europa.eu/assets/home/emn-glossary/glossary.html?letters=s&search=safe&detail=safe+country+of+origin>, accessed 16 September 2025; See also Annex 1 to the recast Asylum Procedures Directive.

7 Recast Asylum Procedures Directive, Article 38(1); EMN Glossary, 'Safe third country', version 10.0, <https://ec.europa.eu/assets/home/emn-glossary/glossary.html?letters=s&search=safe&detail=safe+third+country>, accessed 16 September 2025.

8 European Union Agency for Asylum (EUAA), 'Overview of the implementation of safe country concepts', Situational Update, Issue No. 24, 23 January 2026, <https://www.euaa.europa.eu/publications/overview-implementation-safe-country-concepts-situational-update-no-24>, accessed 9 March 2026.

9 EU+ refers to the 27 European Union Member States, plus Norway and Switzerland.

of the Court of Justice of the European Union (CJEU) (see Box 1).

Box 1: Recent European jurisprudence on geographical and group exceptions to the application of the SCO concept

In October 2024 and August 2025, respectively, the CJEU issued two important rulings on geographical and group exceptions in relation to the SCO concept. It held that the lack of reference to geographical and group exceptions in the recast Asylum Procedures Directive, together with the fact that the provision explicitly permitting them has been reinserted in the Asylum Procedure Regulation, should be interpreted as meaning that such exceptions are not allowed under the current framework.¹⁰ The CJEU has not ruled on the application of exceptions in relation to the STC concept.

The new Asylum Procedure Regulation was adopted in May 2024 and is set to be applied from June 2026, modifying how EU Member States apply the SCO and STC concepts. It introduces several changes:¹¹

- The option to designate a third country as ‘safe’ (either as an SCO or STC) with exceptions for specific parts of its territory or clearly identifiable categories of persons (recitals 4 and 6, Article 59(2) and Article 61(2)).
- Widening of the criteria allowing designation of a third country as ‘safe’, particularly allowing countries that are not parties to the Geneva Convention to be designated STCs, provided that they can offer ‘effective protection’ (Article 57).
- Explicit reference to family links and stay in the third country as possible indications of a connection (recital 48).
- Introduction of a presumption of safety for third countries with which the EU has concluded an STC agreement pursuant to Article 218 of the Treaty on the Functioning of the European Union (TFEU) (Article 59(7)).
- Introduction of the possibility to adopt common lists of STCs designated at EU level, without precluding the

possibility for Member States to designate additional STCs at national level (recital 81 and Articles 60, 63 and 64).

In April 2025, the European Commission introduced a legislative proposal amending the Asylum Procedure Regulation to establish a list of safe countries of origin at EU level.¹² In December 2025, in its position on this proposal, the Council agreed that the following countries should be designated as SCOs: Bangladesh, Colombia, Egypt, India, Kosovo,¹³ Morocco, Tunisia, and EU accession candidate countries (under certain conditions).¹⁴ In May 2025, to facilitate the application of the STC concept, the Commission introduced a legislative proposal¹⁵ introducing targeted amendments to the Asylum Procedure Regulation. The proposal removes the connection criterion as a mandatory requirement under EU law and removes the automatic suspensive effect of appeals against inadmissibility decisions taken on the STC ground. On the first point, the proposal would allow for the application of the STC concept even where the applicant has transited through the STC or, in case of no connection or transit, where there is a specific arrangement or agreement with an STC (except for unaccompanied minors).¹⁶ In December 2025, the Council of the EU and the European Parliament reached a political agreement on the proposal, which maintain the main points of the original text.¹⁷

2.2. Aim and scope of the inform

This inform maps national legislation and policy regarding the asylum procedures that apply to the concepts of SCO and STC, with a view to supporting legislators to understand and implement the changes required by the Asylum Procedure Regulation. More specifically, it compares national policies and practices for designating SCOs and STCs. The information refers to current legislation and policies in those EMN Member Countries regulated by Articles 36–38 of the recast Asylum Procedures Directive and relevant provisions in other EMN Member and Observer Countries.

The analysis was prepared on the basis of contributions from 26 EMN Member and Observer Countries:¹⁸ AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and RS.

10 On territorial exceptions: in Case C-406/22, the CJEU ruled that ‘Article 37 of Directive 2013/32/EU must be interpreted as precluding a third country from being designated as a safe country of origin where certain parts of its territory do not satisfy the material conditions for such designation’. Judgment (Grand Chamber), 4 October, 2024, *Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky*, Case C-406/22, ECLI:EU:C:2024:841, para 82–83, <https://curia.europa.eu/juris/document/document.jsf?docid=290680&doclang=EN>, accessed 2 December 2025. On group exceptions: in Joined Cases C-758/24 and C-759/24, the CJEU held that ‘Article 37 of Directive 2013/32/EU, read in conjunction with Annex I to that directive, must [also] be interpreted as precluding a Member State from designating as a safe country of origin a third country which does not satisfy, for certain categories of persons, the material conditions for such a designation, set out in Annex I to that directive’. Judgment (Grand Chamber), 1 August 2025, *Alace and Campelli*, Joined Cases C-758/24 and C-759/24, ECLI:EU:C:2025:591, para 109, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=303022&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=11844643>, accessed 2 December 2025.

11 European Commission, 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, SWD(2025) 600 final, pp. 1–2, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025PC0259>, accessed 4 November 2025.

12 European Commission, Proposal for a Regulation of the European Parliament and of the Council, amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025PC0186>, accessed 21 January 2026.

13 This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

14 Council of the EU, ‘Asylum policy: Council pushes ahead with EU laws on safe countries of origin and safe third countries,’ press release, 8 December 2025, <https://www.consilium.europa.eu/en/press/press-releases/2025/12/08/asylum-policy-council-pushes-ahead-with-eu-laws-on-safe-countries-of-origin-and-safe-third-countries/>, accessed 21 January 2025.

15 European Commission, 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, SWD(2025) 600 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025PC0259>, accessed 4 November 2025.

16 Ibid., p. 5 and Article 1.

17 European Commission, ‘Commission welcomes political agreement on new rules to facilitate the application of the safe third country concept,’ press release, 18 December 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_3056, accessed 21 January 2025.

18 Not all EMN Member and Observer Countries participate in the recast Asylum Procedures Directive, and some will not be bound by the forthcoming Asylum Procedure Regulation. Those include: DK, IE, and NO, GE, MD, UA, ME, AM, RS, MK.



3. SAFE COUNTRIES OF ORIGIN

3.1. Overview of countries using national lists

Of the 26 responding EMN Member and Observer Countries, 19 countries¹⁹ indicated using a national list of SCOs. Of the seven countries²⁰ that do not use a national list, Finland and Portugal reported having no legal provisions regulating the process to establish a list or designate an SCO; nevertheless, their national legislation defines the SCO concept and they apply it to individual applicants on a case-by-case basis. In Serbia, national legislation allows for the establishment of a national SCO list, but no such list has been established since the most recent changes to asylum legislation.

EMN Member Countries reported different types of adoption procedures and authorities responsible for adopting the decision and/or drawing up the SCO list.

- In seven EMN Member Countries,²¹ the government as a whole is responsible for formally adopting the list, usually based on drafts prepared by specific ministries, such as the Ministry of the Interior,²² the Ministry for Asylum and Migration (where there is a separate entity),²³ the Ministry of Foreign Affairs,²⁴ or the national asylum agency.²⁵
- In six EMN Member Countries,²⁶ individual or select government ministries, including the Ministry of the Interior,²⁷ Ministry of Migration²⁸ or Ministry of Foreign Affairs,²⁹ formally adopt lists of SCOs, sometimes based on a draft recommended by the national asylum agency³⁰ and in consultation with other ministries³¹ or bodies (e.g. national parliament).³²
- In three EMN Member Countries, government agencies,³³ including the national asylum agency³⁴ and the police and border guard³⁵ are responsible for both the establishment/revision and adoption of national lists (see Box 2).
- In three EMN Member Countries,³⁶ the national/federal parliament adopts national lists, generally based on a draft prepared by the government.

As one of the countries where the government adopts the list, Belgium's national list of SCOs is integrated in its Immigration Act.³⁷ The list is updated at least once a year by Royal Decree, upon a proposal by the Minister for Asylum and Migration and the Minister of Foreign Affairs, in light

of advice from the Commissioner General for Refugees and Stateless Persons. In Bulgaria, pursuant to the Law on Asylum and Refugees,³⁸ the Chair of the State Agency for Refugees, in coordination with the Minister of Foreign Affairs, submits the national list to the Council of Ministers, which then adopts it via government decision.

In the Netherlands, where individual ministries are responsible, the Ministry of Asylum and Migration conducts the assessment for drawing up a national list and adopts the formal decision establishing that list. In drafting the list, the Ministry's Directorate for Migration Policy relies on information provided by the Office for Country Information and Language Analysis (OCILA), a unit of the Immigration and Naturalisation Service (IND), and on a review of OCILA's information by the Ministry of Foreign Affairs. The Minister of Asylum and Migration, delegated by law to adopt secondary legislation, issues a ministerial decree establishing the list.

Box 2: Countries where SCO lists are established and adopted by government agencies

In Estonia, establishing and updating the list of SCOs is regulated by the Act on Granting International Protection to Aliens (AGIPA), which designates the Police and Border Guard Board (PBGB) as the authority responsible for drafting and adopting the list (§ 9 section 6). The PBGB establishes and revises the list at least once a year, based on relevant information (see section 5.1). The list is adopted by decree of the Director General of the PBGB and comprises the list itself and the assessment on which the list is based. The decree is not public and is classified for internal use only. At least once a year, the Ministry of the Interior informs the European Commission of any changes to its national list.

In France, the Code for the stay and residence of foreign nationals and right of asylum (CESEDA) sets out that authority to designate, revise and adopt the national list lies with the Board of Directors of the Office for the Protection of Refugees and Stateless Persons (OFPRA), under the supervision of the Council of State. Under conditions laid down by a decree of the Council of State, several other entities may refer a request to the OFPRA's Board of Directors to include or remove

19 AT, BE, BG, CY, CZ, DE, EE, EL, FR, HR, HU, IE, IT, LU, MT, NL, SE, SI, SK.

20 ES, FI, LT, LV, PL, PT and RS.

21 AT, BE, BG, HU, LU, SI, SK.

22 HU, LU, MT, SI, SK.

23 BE.

24 BE, HU.

25 BG, HU.

26 CY, CZ, EL, HR, IE, NL.

27 CY, CZ, HR, IE.

28 BE, EL, NL.

29 EL.

30 CY, EL.

31 HR, IE.

32 NL.

33 EE, FR, SE.

34 FR, SE.

35 EE.

36 AT, DE, IT.

37 Immigration Act, Article 57/6/1, §3.

38 Law on Asylum and Refugees, Article 98, para. 1.

a country from the list of SCOs. Such entities may include: chairs of the standing committees responsible for foreign affairs and constitutional law of the National Assembly and the Senate, a human rights organisation, an association defending the rights of foreign nationals or asylum seekers, or an association defending the rights of women or children.

In Italy, where parliament is involved, the list of SCOs is directly included in national legislation.³⁹ Since the entry into force of a new procedure in December 2024,⁴⁰ the national parliament adopts the national list of SCOs based on an annual report prepared by the Council of Ministers by 15 January each year. In Germany, the draft list is prepared by the Federal Ministry of the Interior and Community (*Bundesministerium des Innern und für Heimat*), often in consultation with the Federal Foreign Office (*Auswärtiges Amt*). The Federal Cabinet (the Chancellor and federal ministers) then formally decides on a draft bill to amend the Asylum Act. This bill must go through the legislative process, requiring debate and a positive vote in the federal parliament (*Bundestag*), as well as the consent of the council representing the federal states (*Bundesrat*).

3.2. Geographical or group exceptions

The recast Asylum Procedures Directive does not explicitly allow for the national designation of part of a country as safe and/or of a country or part of a country as safe for a specified group of persons. In October 2024, the CJEU clarified that territorial exceptions were not allowed under the current framework, while in August 2025 it applied the same reasoning to group exceptions (see section 2.1).

Of the 23 countries⁴¹ responding to this question, Estonia, Luxembourg and Malta reported exceptions to the application of the SCO concept, on the basis that applicants coming from certain regions or belonging to specific categories of people may still face risks of persecution or serious harm. Luxembourg and Estonia formalised their exceptions directly in the list of SCOs, while Malta applies such exceptions in practice. Luxembourg's national SCO list considers Benin and Ghana safe for male applicants only. Estonia considers that certain regions within a safe country (i.e. Republika Srpska in Bosnia Herzegovina, or Abkhazia and Tskhinvali/ South Ossetia in Georgia) may still be considered unsafe and the PBGB may designate only part of the country of origin as safe. Malta applies both geographical and group exceptions (see Box 3). Each case is still assessed individually and applicants not falling under the exception have the right to rebut the presumption of safety.

Box 3: Geographical and group exceptions in Malta

In addition to an individualised assessment of each application, and provided that, in such cases, the claimed material facts are accepted as credible, Malta applies both a territorial and a group exception to the SCO concept.

Malta has identified the Sinai governorate of Egypt and the Casamance region of Senegal as affected by armed conflict. Applications lodged by Egyptian and Senegalese nationals coming from those two regions are subject to an individual assessment to determine whether substantial grounds are shown for believing that the applicants, as civilians, if returned to those areas, would face a real risk of serious harm within the meaning of Article 15(c) of the Qualification Directive. Established risk, however, does not preclude Malta's International Protection Agency (IPA) from conducting an Internal Flight Alternative assessment, which may well conclude that an applicant could safely, legally, and reasonably settle in another part of the country. In that event, the SCO concept could still be applied.

Malta also recognises persons who, although they come from a declared SCO, may still face persecution, and thereby needs international protection, on account of their diverse SOGIESC characteristics. Since 2020, the IPA has granted refugee status on these grounds to seven applicants coming from an SCO.

Nineteen EMN Member Countries⁴² and Serbia indicate that they do not or cannot apply such exceptions (see Box 4). In light of recent European jurisprudence, the Netherlands has stopped applying regional and group exceptions (see section 2.1).

Eighteen countries⁴³ explicitly note that in line with the requirements of Article 36 of the recast Asylum Procedures Directive, every asylum application undergoes an individualised assessment, where claims of persecution or serious harm, even in SCOs, are duly examined and the presumption of safety may be rebutted by individual asylum applicants for their specific case (see section 2.1).

Greece has no legal provisions setting out exceptions for specific categories of people and/or regions within a safe country. Nevertheless, the Country of Origin (COI) Department of the Asylum Service of the Ministry of Migration and Asylum has developed internal guidelines that highlight specific profiles of applicants that may be at higher risk of persecution or serious harm (e.g. women, children).

³⁹ Legislative Decree n. 25 of 2008, Article 2 bis.

⁴⁰ List previously adopted by ministerial decree.

⁴¹ AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LU, MT, NL, PL, PT, SE, SI, SK.

⁴² AT, BE, BG, CY, CZ, DE, EL, FI, FR, HR, HU, IE, IT, NL, PL, PT, SE, SI, SK and RS.

⁴³ AT, BG, CY, CZ, DE, EE, EL, FI, HU, IE, LU, MT, NL, PT, SE, SI, SK and RS.

Box 4: Scope of application of the SCO in France

In France, the CESEDA⁴⁴ explicitly excludes exceptions to the application of the SCO concept based on gender or sexual orientation criteria, making it impossible to consider a country safe only for certain categories of persons and not for others. This position was confirmed by a ruling of the Council of State on 2 July 2021. However, based on the legal provisions regulating the criteria for inclusion of countries on the list,⁴⁵ the risk of persecution or inhuman and degrading treatment on grounds of sexual orientation is considered an important element in the overall assessment of a country as safe. The CESEDA does not expressly exclude the principle of territorial exceptions within a country. However, as the current Asylum Procedures Directive and recent court rulings preclude the possibility of introducing exceptions to SCO scope, to date the OFPRA's Board of Directors includes only countries considered safe in their entirety on its SCO list.

their country of origin is unsafe are generally channelled to the regular procedure. Bulgaria, the Netherlands⁴⁹ and the Slovak Republic exclude unaccompanied minors from the accelerated procedure. Finland does not apply the accelerated procedure to vulnerable applicants unless support arising from special needs can be provided (on a case-by-case basis). Italy excludes both unaccompanied minors and applicants with special needs from the accelerated procedure.

Portugal and Serbia have legal provisions regulating the use of an accelerated procedure for applicants coming from a SCO, but in practice they use the regular procedure (chiefly because they have not established a list of SCOs and apply the concept on a case-by-case basis). Six countries⁵⁰ indicate the possibility of applying the border procedure at border or transit areas for applicants from designated SCOs. Estonia applies all three procedures (regular, accelerated, border) on an individual basis.

Of the countries using the accelerated procedure, the timeframe for filing appeals differs significantly.⁵¹ In Belgium⁵² and Greece, appeals must be filed within 10 days from the notification of the decision. Bulgaria provides a time window of seven days and Croatia eight days, while the Czech Republic and Luxembourg have periods of 15 days. In Finland, appeals are possible within 30 days of notification of the decision; in France, within one month. The Netherlands sets the deadline for appeals at one week, while in the Slovak Republic appeals may be lodged within 20 days.

3.3. Assessment procedure

Twenty-one EMN Member Countries⁴⁶ and Serbia provided information on the procedure used to examine applications from individuals coming from designated SCOs.

Twenty countries⁴⁷ use the accelerated procedure. In seven EMN Member Countries,⁴⁸ applicants who are able to supply sufficiently serious grounds to demonstrate that



4. SAFE THIRD COUNTRIES

4.1. Overview of countries using national lists

Of the 25 reporting EMN Member Countries⁵³ and Serbia, 21 countries⁵⁴ have provisions in national law regulating the use of the STC concept. Of these, six countries⁵⁵ have adopted national lists of STCs, while 13 countries⁵⁶ apply the concept on an *ad hoc* basis. In the Netherlands, the decision to apply the STC concept *ad hoc* was prompted by several rulings of the Council of State (*Raad van State*, RvS), which in December 2017 excluded the need to establish an STC list (as opposed to an SCO list) and permitted a case-by-case approach when considering the safety of a third country. Five countries⁵⁷ do not regulate the application of the STC concept.

In the countries with national lists, the same actors draw up and adopt STC lists as SCO lists. Greece adopts the list as a joint ministerial decision of the Ministry of Migration and Asylum and the Ministry of Foreign Affairs, upon a recommendation from the Director of the Asylum Service. The Hungarian government drafts and adopts the list by decree. In the Czech Republic and Ireland, the Ministry of the Interior and Ministry of Justice, Home Affairs and Migration, respectively, prepare and issue the list in the form of a ministerial decision. However, the Czech Republic has yet to place any country on its national list. In Germany, the list is adopted by the parliament via regular legislative procedure, upon a recommendation from the federal government (see section 3.1).

44 Article L. 531-25.

45 Article L. 722-1.

46 AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LU, MT, NL, PT, SE, SI, SK.

47 AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LU, MT, NL, SE, SI, SK. Strictly speaking, SK does not employ an accelerated procedure but considers the SCO criteria as one of the elements for rejecting an application as manifestly unfounded if the person is found to come from a SCO.

48 CY, CZ, FR, LU, NL, SE, SI.

49 In NL, since September 2025, judgments from the CJEU (see sections 2.1 and 3.2) have led to a temporary discontinuation of the accelerated procedure for applicants coming from SCOs. This approach will be monitored until the entry into force of the EU Asylum and Migration Pact to ensure that the chain effects of this temporary method remain as limited as possible.

50 BE, CZ, EE, EL, FI, IT.

51 BE, BG, CZ, EL, FI, FR, HR, LU, NL, SK.

52 In BE, this timeframe is contingent on the respect of the deadline of 15 days for the assessment of the application under the accelerated procedure. In case of delays, the time window to file an appeal is extended to 30 days.

53 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and RS.

54 AT, BE, BG, CY, CZ, DE, EE, EL, FI, HR (not applied in practice), HU, IE, LT, (not applied in practice), LU, LV (not applied in practice), MT, NL, PT, SE, SI and RS.

55 BG, CZ (list established but contains no countries), DE, EL, HU, IE.

56 AT, BE, CY, EE, FI, LT, LU, LV (not applied in practice), MT, NL, PT, SE, SI.

57 ES, FR, IT, PL, SK.

4.2. Geographical or group exceptions

Only Cyprus, Hungary and Malta have a geographical and/or group exception to the use of the STC concept. However, they have not established an STC list and simply apply the STC concept on a case-by-case basis.⁵⁸

To date, Cyprus has considered exceptions for certain categories of people, such as Somali women still at risk of female genital mutilation (FGM) in Kenya or Cameroonian nationals recognised as refugees by the United Nations High Commissioner for Refugees (UNHCR) in Nigeria but not afforded the protection envisaged under the Geneva Convention. Similar to its approach to SCO countries, Malta's IPA considers that certain countries/regions may not be safe for specific categories of people, namely LGBTQI+ individuals. Hungary applies a territorial exception to the United States of America (US), concerning the states which apply the death penalty.

4.3. Case-by-case assessment procedure

Seventeen EMN Member Countries⁵⁹ reported carrying out an individual assessment procedure to satisfy themselves that the STC concept may be applied to a particular applicant, in line with Article 38(2)(b) of the recast Asylum Procedures Directive. The eight countries⁶⁰ that do not conduct this procedure are those that do not regulate (or apply in practice) the STC concept in their legislation. In addition to the binding criteria set out in Article 38 of the recast Asylum Procedures Directive (see section 2.1), several countries apply a non-exhaustive list of additional criteria in their assessment of a third country as safe:

- The third country has ratified the Geneva Convention;⁶¹
- The third country has ratified the ICCPR;⁶²
- The third country has ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁶³
- The third country has ratified the ECHR;⁶⁴
- Transfer of an applicant to the third country would not lead to a violation of Article 8 of the ECHR (respect for private and family life);⁶⁵
- The applicant is entitled to reside in that third country during the procedure for international protection and they are protected against deportation to their country of origin, including via chain deportation, provided that the third-country national is threatened in their country of origin pursuant to Art. 8 of Austria's Asylum Act.⁶⁶

Overall, countries provided limited information on the methodology used to assess the safety of a third country for specific applicants. Of the countries with an STC list,

the Greek Asylum Service has developed (strictly) internal standard operating procedures (SOPs) to streamline this process. During the interview process, where applicable, applicants are informed that a particular country should be regarded as generally safe by virtue of being on the national list. However, should applicants have serious grounds to believe otherwise, they are given the opportunity to rebut the presumption of safety.⁶⁷ Greece and Ireland provided some information on their internal rules in relation to assessing a connection between the applicant and the third country concerned that would make it reasonable for that person to go to that country, in line with Article 38(2)(a) of the recast Asylum Procedures Directive (see Box 5).

Box 5: Reasonable connection of an applicant to a safe third country

Under certain conditions and in conjunction with the specific circumstances of individual applicants, Greek legislation may recognise their transit through a third country as a criterion for designating the latter as a potential STC for that specific individual. Elements that may be considered to establish a connection include: length of stay in the country; any contact with local authorities (including access to work or granting of a right of residence); any previous stay prior to transit (e.g. long-term visits or studies); existence of (distant) family ties; social, professional, or cultural ties; possession of property; connection with a wider community; knowledge of the relevant language; and geographical proximity to the country of origin.

In Ireland,⁶⁸ the connection of the applicant with a third country is assessed on the basis of: the period spent in the country, whether lawfully or unlawfully; any relations/social ties in the third country, including residents and/or family members seeking asylum; presence of family members and/or relatives; and any cultural ties to the country concerned.

Of the countries applying the STC concept without a national list, Finland indicates that the assessment is based on information and documentation provided by the applicant, COI information that may be relevant to the third country in question, and replies given by third countries to the queries of the Finnish Immigration Service. In the Netherlands, the assessment is based on information collected by the IND's Office for Country Information and Language Analysis, which compiles a country factsheet based on wide range of sources (see section 5.1).

Of the 19 countries⁶⁹ that regulate the use of the STC concept, none requires specific assurances and/or guarantees from safe third countries regarding the treatment of transferred individuals upon arrival.

⁵⁸ CY also relies on internal guidelines.

⁵⁹ AT, BE, BG, CY, CZ, DE, EE, EL, FI, HU, IE, LU, MT, NL, PT, SE, SI.

⁶⁰ ES, FR, HR, IT, LT, LV, PL, SK.

⁶¹ AT, CY, EE, FI.

⁶² CY, EE, FI.

⁶³ CY, EE, FI.

⁶⁴ AT, CY, EE.

⁶⁵ AT, CY.

⁶⁶ AT.

⁶⁷ The possibility for the applicant to challenge the application of the STC concept on the grounds that the third country is not safe in their particular circumstances is enshrined in Article 38(2)(c) recast Asylum Procedures Directive and applies to all EU Member States.

⁶⁸ IE is not part of the recast Asylum Procedures Directive. However, for IE to be able to implement the STC concept, the Irish government was instructed by the Irish High Court to align its legislation with Article 38 of the recast Asylum Procedures Directive. This case is currently under appeal.

⁶⁹ AT, BE, BG, CY, CZ, DE, EE, EL, FI, HU, IE, LT (not applied in practice), LU, LV (not applied in practice), MT, NL, PT, SE, SI.

4.4. Challenges in applying the safe third country concept

Of the 19 countries⁷⁰ that regulate the use of the STC concept, six countries⁷¹ explicitly indicated challenges in its practical application in examining applications for international protection.

Ireland has faced legal challenges in relation to the process for designating the United Kingdom (UK) an STC (see Figure 1 in Annex 6).⁷² Luxembourg has occasionally

encountered difficulties in establishing a reasonable connection between an applicant and the third country in question. Latvia noted that, due to its geographical location and the characteristics of the neighbouring countries from which asylum seekers come, it is generally unable to apply the STC, as the conditions laid out in Article 38(2)(a) of the recast Asylum Procedures Directive cannot be met. The Netherlands reported the (legal) admission of applicants to safe third countries as its main challenge.



5. APPLICATION OF CONCEPTS

5.1. Sources used to compile national lists

When assessing the safety of a COI and/or a third country, EMN Member Countries and Serbia rely on a wide range of information sources. The EUAA (23 countries), the UNHCR (22 countries) and the Council of Europe (12 countries) are the institutions most widely cited. The overall list of sources consulted includes:

- EUAA;⁷³
- UNCHR;⁷⁴
- Other EU Member States;⁷⁵
- European Commission (e.g. progress reports);⁷⁶
- International Organization for Migration (IOM);⁷⁷
- Office of the United Nations High Commissioner for Human Rights (OHCHR);⁷⁸
- United Nations Human Rights Council;⁷⁹
- Council of Europe;⁸⁰
- United States State Department;⁸¹
- Central Intelligence Agency (CIA);⁸²

- Organisation for Security and Co-operation in Europe (OSCE);⁸³
- Inter-American Commission on Human Rights (IACHR);⁸⁴
- European Country of Origin Information Network (ECOIN);⁸⁵
- International indices;⁸⁶
- National authorities/national (foreign affairs) ministries;⁸⁷
- Liaison officers at the Ministry of the Interior;⁸⁸
- Other relevant international organisations;⁸⁹
- International and national human rights non-governmental organisations (NGOs);⁹⁰
- National and European jurisprudence;⁹¹
- Media outlets and news portals;⁹²
- Expert advice.⁹³

5.2. Relevant judicial decisions

Fourteen EMN Member Countries⁹⁴ provided information on relevant national judicial decisions on the application of the SCO and STC concepts. Annex 1 presents the decisions from 2020 to date.

70 AT, BE, BG, CY, CZ, DE, EE, EL, FI, HU, IE, LT (not applied in practice), LU, LV (not applied in practice), MT, NL, PT, SE, SI.

71 CY, EL, IE, LU, LV, NL.

72 A v Minister for Justice and others; B v International Protection Appeals Tribunal.

73 AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PT, SE, SI and RS.

74 AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PT, SE, SI and RS.

75 BE, BG, CY, EE, EL (legislation of other EU Member States on SCO and STC concepts), FR, HR, IE, IT, LT, LU, SE, SI.

76 BE, EE, EL, IT, NL, SI.

77 AT, CY, FI.

78 EE, IT, SI.

79 EE, IT, SI.

80 BE, BG, EE, EL, FR, IE, IT, LT, LU, NL, SE and RS.

81 CZ, IT, NL (reports on 2023 and earlier), SI.

82 IT, SI.

83 IT, NL.

84 IT, NL.

85 AT, NL.

86 NL. Those indices include: Freedom House's Freedom in the World index; Reporters Without Borders's World Press Freedom Index; World Justice Project's Rule of Law Index; International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA) Europe's Rainbow Europe Index.

87 AT, CY, CZ, DE, EL, FR, IE, IT, LT.

88 AT.

89 SE.

90 AT, CY, DE, EE, EL, FI, IE, IT, LT, NL, SI. International NGOs include Amnesty International, European Council on Refugees and Exiles (ECRE), Freedom House, Human Rights Watch, International Crisis Group, ILGA World, Reporters Without Borders.

91 DE, EL, SI.

92 AT, DE, FI, IT, LT, SI.

93 AT, DE.

94 AT, BE, BG, CY, CZ, EL, FR, IE, IT, LU, LV, NL, PT, SI.

Box 6: CJEU jurisprudence on SCO designation and sources of information

In Joined Cases C-758/24 and C-759/24,⁹⁵ the CJEU held that EU law does not preclude a Member State from designating a third country as an SCO by means of a legislative act, provided that that designation can be subject to effective judicial review. The sources of information on which such designation is based must be sufficiently accessible, both for the applicant and for the court or tribunal with jurisdiction. That requirement is intended to ensure effective judicial protection, enabling the applicant to assert their rights effectively and the national court or tribunal to exercise its power of review fully. The court or tribunal may, when it verifies whether such designation complies with the conditions set out in Annex I to the recast Asylum Procedures Directive, take account of information it has itself gathered, provided it ascertains that that information is reliable and gives the two parties to the proceedings the opportunity to submit observations on that additional information.

5.3. Good practices

Eight EMN Member Countries⁹⁶ identified good practices in the application of the SCO and STC concepts. Of those, the majority⁹⁷ focused on good practices in detecting vulnerable applicants and assessing their applications, while three countries⁹⁸ highlight more general practices linked to the application of the concepts to status determination procedures.

To help the detection of vulnerability and assessment of applicants in vulnerable situations, Bulgaria's State Agency for Refugees conducts periodic training for asylum case officers and legal advisors on topics such as interview techniques and evidence assessment in relation to vulnerable applicants. Such trainings are a prerequisite to ensure the correct application of the SCO and/or STC concepts. In Luxembourg, authorities may adapt interview formats and timelines to accommodate the needs of applicants in vulnerable situations. Portugal stresses that special attention is given to vulnerable applicants, particularly unaccompanied minors, LGBTQI+ individuals, victims of trafficking in human beings, and survivors of gender-based violence.

In France, when applying the SCO concept, the OFPRA may change the type of status determination procedure used (from accelerated to regular), while the president of the National Court of Asylum or the presiding judge may refer particularly complex cases to a panel of judges, rather than a single judge.

Box 7: Identification of vulnerable applicants in border procedures in Italy

Italy's border procedures prioritise the identification of vulnerable applicants for international protection. Vulnerable applicants, including those from SCOs, are excluded from the accelerated procedure and channelled to the regular procedure to provide appropriate assistance and ensure thorough examination of their applications. These measures are supported and implemented in cooperation with UNHCR and IOM Italy,⁹⁹ which intervenes to support and identify vulnerable groups and minors at major disembarkation points.

Cyprus reported several practices: rigorous and continuous review of the SCO list; prompt alignment of the list with European jurisprudence and legal standards; ensuring proper training of case officers involved in the refugee status determination procedure on correct application of the SCO and STC concepts; ensuring clear and early communication with applicants on the potential application of these concepts, the type of procedure followed, and applicants' rights to challenge the use of SCO and/or STC concepts.

The Greek Asylum Service has established a dedicated office for receiving and examining applications submitted by applicants coming from SCOs. To support the practical application of both the SCO and STC concepts, the Processes and Training Department has developed several tools, including SOPs and guidelines, interview and decision templates, thematic training and coaching sessions, quality feedback reports, and COI reports.

Box 8: Automation and fast-tracking in Finland

Automation processes in Finland's case management system allow for the automatic identification of applicants who may come from SCOs, with such cases then directed to the accelerated procedure. Rule-based automation identifies the citizenship of the applicant and, based on that, directs their application to a specific processing basket. If the processing of applications directed to a given basket has been prioritized, the application will be processed faster than usual. The automation does not use (generative) artificial intelligence, and the application is always ultimately processed manually by a human. All applications are screened manually by a case officer following registration of the application for the final determination of the suitable procedure (e.g. border procedure, accelerated procedure). During this screening, any vulnerabilities are detected and relevant measures are taken (e.g. need for a legal representative, specific accommodations for the asylum interview). Applicants who may come from an SCO or STC have their interview appointment scheduled within a short timeframe. All cases in the accelerated procedure, including those where the SCO and STC concepts are applied, are examined by a specialised fast-track team of case workers.

⁹⁵ Judgment (Grand Chamber), 1 August 2025, *Alace and Campelli*, Joined Cases C-758/24 and C-759/24, ECLI:EU:C:2025:591.

⁹⁶ BG, CY, EL, FI, FR, IT, LU, PT.

⁹⁷ BG, FI, FR, IT, LU, PT.

⁹⁸ CY, EL, FI.

⁹⁹ International Organization for Migration (IOM), 'Assistenza a gruppi vulnerabili e minori', n.d., <https://italy.iom.int/it/assistenza-gruppi-vulnerabili-e-minori>, accessed 16 October 2025.

5.4. Future alignment with new asylum procedure regulation

Eleven countries¹⁰⁰ reported ongoing or future plans to align their current national framework with the Asylum Procedure Regulation.

Spain is drafting a new asylum law and implementing regulation to be adopted by the Spanish Parliament before June 2026, when the Asylum Procedure Regulation enters into application. Similarly, Croatia is amending its Law on International and Temporary Protection to include the regulation's provisions on SCOs and STCs. Finland reported ongoing revisions to its national asylum legislation, namely to define national procedures for determining SCOs and STCs. Whether national lists will also be adopted remains to be determined.

As the new Asylum Procedure Regulation explicitly allows for introducing geographical and/or group exceptions when designating SCOs and STCs, the Czech Republic anticipates adapting relevant COI information and making greater use of the SCO and STC concepts. Ireland plans to transpose and implement all Pact instruments through a single piece of legislation. The General Scheme of this legislation was approved by the Irish government in April 2025. Enactment of the Bill and commencement of the Act is required by 11 June 2026.

Box 9: Aligning national frameworks with the new Asylum Procedure Regulation in Germany and Serbia

Germany is revising its national framework to accommodate the possibility of the EU-wide designation of SCOs and STCs. It also plans to make use of Article 64 of the Asylum Procedure Regulation, allowing countries to designate additional safe countries at national level. The German government intends to introduce a new legislative procedure where the executive branch would designate additional SCOs and STCs by decree, pending approval from the federal parliament.

Under the National Programme for the Adoption of the European Union Acquis (NPAA) 2025-2027, Serbia plans to adopt the new Law on Asylum and Temporary Protection in the second quarter of 2026. Although Serbia does not directly implement EU regulations at the moment, the text of the new law will largely align with EU legislation, including the SCO and STC concepts as defined in the Asylum Procedure Regulation.

Fourteen countries¹⁰¹ reported no concrete strategies to align their framework with the new Asylum Procedure Regulation. Certain countries do not have a strategy in place at the moment,¹⁰² some assessed any future changes to their national framework as minor,¹⁰³ and others noted that it is too early to provide concrete information on ongoing or future plans.¹⁰⁴ The Belgian government foresees that the new provisions of the Asylum Procedure Regulation will be able to be accommodated within the existing national framework, barring certain adjustments to designation, suspension, and revocation of STCs and SCOs. Austria is unable to report on any plans because the legislative implementation of the Pact at Council level has yet to be completed.

¹⁰⁰ BG, CZ, DE, EE, EL, ES, FI, HR, IE, MT and RS.

¹⁰¹ AT, BE, CY, HU, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK.

¹⁰² HU, LT, LV, NL, SI, SK.

¹⁰³ BE.

¹⁰⁴ AT, CY, FR, IT, LU, PT, PL, SE.

ANNEX. RELEVANT JUDICIAL DECISIONS

Table 1. Relevant judicial decisions on the application of SCO and STC concepts in EMN Member Countries, 2020-2025¹⁰⁵

	Date	Authority	Case No.	Summary of decision
AT	10 October 2022	Supreme Administrative Court	Ra 2022/18/0076	Designation of a country as an SCO supports the assumption that the authorities of that country are fundamentally capable of providing protection and willing to do so. However, in this case, a foreign person is free to point out specific circumstances relating to the case which, regardless of this [SCO designation], could lead to protected rights being violated in a significant manner according to the Asylum Act 2005 in the event of their return. The inclusion of a country on the SCO list does not mean the legal presumption may not be rebutted
BE	27 June 2025	Council for Alien Law Litigation (Administrative Court)	328 978	Case concerning a decision where Georgia was considered an SCO at the moment of the decision, but not at the time the case was discussed in court. The court stated that this fact alone was not sufficient alone to annul the decision, but a new assessment of whether the applicant meets the relevant criteria had to be carried out
BE	6 June 2025	Council for Alien Law Litigation (Administrative Court)	327 480	Case concerning designation of Switzerland as an STC, which was upheld as the applicant did not provide sufficient information challenging such presumption
BG		Administrative Court		Several cases brought by citizens of Morocco, Algeria and Tunisia against the designation of their countries as SCOs (ruling upheld the decisions) Several cases brought by citizens of Syria against the designation of Türkiye as an STC (ruling upheld decisions) Report on summary of decisions can be found here
CY	28 February 2025	Administrative Court	T1932/23 A.C.U. (from Nigeria) vs. The Republic of Cyprus (Asylum Service)	Case of a Nigerian national channelled through the accelerated procedure via application of the SCO concept. The applicant was given the opportunity to rebut the assumption but was not successful. The court found that the asylum agency had correctly assessed the case
CZ	23 April 2020	Supreme Administrative Court	1 Azs 43/2020-24	Confirmed that EU Member States are to be considered SCOs under Protocol No. 24 to the Treaty on European Union (TEU), and asylum applications from EU citizens are generally inadmissible unless in exceptional circumstances
CZ	20 October 2021	Regional Court (Brno)	41 Az 58/2020-52	Stressed that the Ministry of the Interior may reject an asylum application as manifestly unfounded (§ 16(2) of the Asylum Act) only if the administrative file shows that the listed SCO meets the criteria in Annex I to the recast Asylum Procedures Directive and § 2(1)(k) of the Asylum Act. Stressed the right to effective remedy (Article 46 of the recast Asylum Procedures Directive; Article 47 of the Charter of Fundamental Rights of the European Union)
CZ	24 March 2022	Supreme Administrative Court	1 Azs 36/2022-31	Held that due to the armed conflict in Ukraine, its entire territory no longer meets the criteria for an SCO. Asylum claims by Ukrainian nationals cannot be rejected as manifestly unfounded under § 16(2) Asylum Act
CZ	8 November 2024	Supreme Administrative Court	5 Azs 324/2021-57	Following CJEU judgment of 4 October 2024 in C-406/22, held that to label a third country as safe, Annex I criteria must be met throughout its territory. Designating Georgia (and earlier Moldova) as safe with territorial exceptions (Abkhazia, South Ossetia, Transnistria) was inconsistent with EU law. Asylum applications from these countries cannot be rejected as manifestly unfounded
CZ	30 October 2024	Supreme Administrative Court	2 Azs 86/2023-35	Ruled that inclusion of only part of a country on the list of SCOs (i.e. territorial exceptions) contravenes § 2(1) (k) of the Asylum Act and cannot serve as a basis for rejecting asylum applications under § 16(2) Asylum Act

¹⁰⁵ The EUAA Case Law Database includes relevant case-law on safe country concepts, searchable using the tags: [safe country concept](#), [safe country of](#) and [safe third country](#); EUAA Case Law Database, n.d., <https://caselaw.euaa.europa.eu/Pages/default.aspx>, accessed 5 November 2025.

	Date	Authority	Case No.	Summary of decision
CZ	22 October 2024	Constitutional Court	III. ÚS 2620/24	Though not directly about asylum, this decision considered extradition to Ukraine during armed conflict. The Constitutional Court upheld extradition, affirming that general violence alone does not automatically block extraditions; diplomatic assurances can mitigate non-refoulement concerns
EL	Ongoing	Greek Council of State	Ongoing	Ongoing legal dispute in Greece has led to CJEU Case C 134/23 following the referral procedure. Accordingly, Article 38 of the Asylum Procedures Directive, read in the light of Article 18 of the Charter, must be interpreted as not precluding legislation of a Member State classifying a third country as generally safe for certain categories of applicants for international protection where, despite the legal obligation to which it is subject, that third country has generally suspended the admission or readmission of those applicants to its territory and there is no foreseeable prospect of a change in that position
FR	2 July 2021	Council of State	437141 437142 437365 B	Appeal against decision of the OFPRA board of directors not to amend the SCO list. The court ruled that OFPRA could not, without committing an error of assessment, consider Senegal and Ghana as SCOs when examining applications submitted by their nationals, given the existence of legislative provisions criminalising homosexual relations in Senegal and Ghana and the persistence of behaviour encouraged, promoted or simply tolerated by the authorities of those countries, leading to a situation where individuals may genuinely fear being exposed to such risks
FR	25 April 2024	Council of State	490225 C	Appeal for abuse of power by the association La CIMADE against the decision of 5 July 2023 in which the OFPRA board of directors decided not to amend the SCO list. The court specified that in assessing the situation of countries likely to be included on the SCO list, particular attention should be paid to the risks of persecution or inhuman and degrading treatment to which women are exposed. As long as the violence against them is not systematic and does not reach the level of persecution in a context of encouragement or tolerance by the public authorities, violence committed against a specific individual is not sufficient to exclude a country from the SCO list
FR	19 November 2021	Council of State	437141 437142 A	Case about a request to repeal a OFPRA board of directors' decision on Armenia, Georgia and Senegal. The court established the principle that an administrative judge, acting as a judge of abuse of power, under certain conditions, now has the power to repeal such an act so that any illegal infringements it may cause to the legal order can still be punished. In this case, the Council of State refused to repeal the deliberation for Armenia and Georgia, considering that the situation in these countries had not deteriorated since the deliberation to the point of rendering it illegal
IE	2024	High Court	S.A. (Zimbabwe and South Africa) v the Chief International Protection Officer IEHC 477	Case about an applicant from Zimbabwe submitting incorrect information about nationality, leading asylum authorities to refuse international protection on the basis that the applicant came from an SCO (South Africa). The court ruled that the International Protection Officer had failed to assess all documentation evidence provided that indicated that the applicant was from Zimbabwe, as the person eventually proved Zimbabwean nationality, and therefore instructed it to reconsider the application
IE	2024	High Court	A v Minister for Justice and others; B v International Protection Appeals Tribunal IEHC 183	Case concerned the lawfulness of the designation of the UK as an STC under Section 72A of the International Protection Act 2015. Due to procedural shortcomings in the way in which the Irish government made such designation, the court issued a declaration that the designation of the UK and Great Britain as an STC pursuant to the 2020 Designation Order is contrary to Ireland's obligations under EU law. The case is being appealed
IT	29 April 2024	Supreme Court of Cassation	11399	Under the ordinary procedure, lodging an appeal automatically suspends the effect of the rejection of the application for international protection. The court ruled that the automatic suspensive effect of an appeal is excluded only where the Territorial Commission has duly applied the accelerated examination procedure (including application of the SCO concept) in full compliance with procedural rules and deadlines

	Date	Authority	Case No.	Summary of decision
IT	19 December 2024	Supreme Court of Cassation	33398	The court held that the ordinary judge, when hearing an appeal in international protection cases involving an applicant from a country designated as safe, may assess the legitimacy of such designation, on the basis of institutional and qualified sources referenced in Article 37 of the Asylum Procedures Directive. The judge may also incidentally disapply the ministerial decree listing SCOs where the government's designation is manifestly inconsistent with the qualification criteria laid out in European or national law
IT	30 December 2024	Supreme Court of Cassation	Interlocutory order	The court held that the CJEU judgment of 4 October 2024 (C-406/22) cannot be read as implicitly excluding the compatibility of personal exceptions with the notion of a safe country. It reaffirmed that judges cannot replace the government in their discretionary assessments. Nevertheless, they must verify, in extreme cases, whether the ministerial evaluation is unreasonable or manifestly arbitrary, or whether the designation has clearly ceased to reflect the actual situation, as evidenced, for instance, by clear and consistent, reliable and up-to-date information sources on the applicant's COI
LU	19 October 2021	Administrative Court	46230C	Case concerning the designation of Senegal on the SCO list. Court ruled that a country may be designated an SCO only when it is formally established that the state is democratic, is governed by the rule of law, and respects human rights
LU	14 May 2025	Administrative Court	52728	Case concerning the use of the accelerated procedure in cases where applicants come from a country designated an SCO. The court ruled that the fact that a Grand-Ducal regulation designates a country as safe is not sufficient on its own to justify the use of an accelerated procedure. Luxembourgish legislation requires the minister (in charge of Migration and Asylum), even after a country has been designated an SCO by Grand-Ducal regulation, to carry out an individual examination of each application for international protection before concluding that the applicant comes from an SCO. It is the minister's responsibility to assess whether the applicant has submitted serious reasons to believe that, in their specific case, the country in question is not an SCO
LU	28 July 2025	Administrative Court	46189	Case brought by a Syrian national born in Moldova contesting the decision of asylum authorities to consider Moldova an STC in his situation on the basis of a supposed connection. The court ruled that the elements considered – the fact that the applicant had visited Moldova on two occasions to visit his grandparents, and that his mother held Moldovan nationality – were not sufficient grounds to establish a connection between the applicant and that third country
LU	7 April 2021	Administrative Court	45865	Case brought by a Syrian national married to a Moroccan national, contesting the decision of asylum authorities to consider Morocco an STC in his situation on the basis of a supposed connection. The court ruled that elements considered – the nationality of the child (which does not fall within the jurisdiction of the tribunal in question) and the nationality of the spouse – were not sufficient grounds to establish a connection between the applicant and that third country
NL	20 January 2021	Council of State	ECLI:N-L:RVS:2021:122	Ruling concerning the reasonableness test when assessing the safety of a third country. In the case of a third-country national whose family members resided in the Netherlands, the RvS ruled that, while it is not relevant in proceedings in which an STC is asserted whether the third-country national claims a right of residence based on family life, this does not mean that every circumstance relating to family life may be disregarded. The scope of the reasonableness test includes a duty to properly substantiate that it is reasonable to expect a third-country national to travel to an STC and apply for asylum there, taking into account all individual circumstances relevant to assessing the ties a third-country national has with the alleged STC. In this case, this also includes the circumstance that the third-country national's family is no longer present in the third country but in the Netherlands. The fact that this circumstance is also related to the importance of practising family life in the Netherlands is insufficient to disregard it entirely under the reasonableness test

	Date	Authority	Case No.	Summary of decision
PT	10 July 2021	Administrative Court	2238/20.5BELSB	The case concerns an applicant, a transgender woman from Honduras, who challenged the decision of the Foreigners and Borders Service (SEF) declaring her asylum application inadmissible, based on the application of the STC concept, with the US identified as such. The court invoked the principle of mutual trust, assuming that the US respects fundamental rights, and upheld that the US qualifies as an STC under Article 19(1)(d) and Article 2(1)(r) of the Asylum Law (Law No. 27/2008). The court also found that the applicant had a genuine connection to the US, having lived, studied and worked there, as well as having personal, cultural, and linguistic ties. The court upheld the inadmissibility decision, confirming the application of the STC concept to the US. It also clarified that an inadmissibility decision does not require an assessment of the merits of the asylum claim, but only verification of the legal conditions for applying the STC concept
SI	22 June 2020	Administrative Court	I U 1490/2019-92	The court ruled that even if a country is considered safe, authorities must still assess and prevent removal if there is a real risk of inhuman or degrading treatment, in line with EU fundamental rights and Directive 2008/115/EC (Return Directive) standards. For this reason, in the process of deciding on an application for international protection (prior to the decision), the administrative authority is obliged to inform applicants that the country from which they come is an SCO. Only in this way will the applicant be guaranteed the procedural status of a party to the proceedings. Such notification prior to the issuance of a decision ensures compliance with the principle of hearing the parties, giving the applicant the opportunity to challenge the presumption of an SCO. On the other hand, the administrative authority is not obliged to present the applicant with the information on the basis of which the government of Slovenia has declared a particular country to be an SCO by means of a decree establishing an SCO list



FOR MORE INFORMATION

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The Czech Republic www.emncz.eu/

Estonia www.emn.ee/

Finland emn.fi/en/

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2

Germany www.bamf.de/EN/Themen/EMN/emn-node.html

Greece <https://migration.gov.gr/emn/>

Hungary www.emnhungary.hu/en

Ireland www.emn.ie/

Italy www.emnitalyncp.it/

Latvia www.emn.lv

Lithuania www.emn.lt/

Luxembourg emnluxembourg.uni.lu/

Malta emn.gov.mt/

The Netherlands www.emnnetherlands.nl/

Poland www.gov.pl/web/european-migration-network

Portugal rem.sef.pt/en/

Romania www.mai.gov.ro/

Spain www.emnspain.gob.es/en/home

The Slovak Republic www.emn.sk/en

Slovenia emnslovenia.si

Sweden www.emnsweden.se/

Norway www.udi.no/en/statistics-and-analysis/european-migration-network---norway#

Georgia migration.commission.ge/

The Republic of Moldova bma.gov.md/en

Ukraine dmsu.gov.ua/en-home.html

Montenegro www.gov.me/mup

Armenia migration.am/?lang=en

Serbia kirs.gov.rs/eng

The Republic of North Macedonia <https://mvr.gov.mk/>

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