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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}

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

• Context and reasons for the proposal

Article 77 of the Asylum Procedure Regulation (2024/1348) ('APR') requires the Commission to review the safe third country concept ('STC') and, where appropriate, propose any targeted amendments by 12 June 2025. On this basis, the Commission carried out a holistic review of the STC concept.

In this context, the Commission examined whether international law (the 1951 Geneva Convention and the 1950 European Convention of Human Rights) and EU primary law, including the Charter of Fundamental Rights of the EU, allow for further revisions to the conditions for applying the STC concept and its legal safeguards, with the aim of further facilitating its application by Member States. The Commission also considered Member States' experiences and challenges in applying the STC concept, as expressed in various fora, and assessed whether the changes introduced under the APR had already addressed these issues or if gaps remained. Finally, the Commission analysed relevant jurisprudence of the Court of Justice of the EU ('CJEU') and of the European Court of Human Rights ('ECtHR').

The safe third country concept ('STC'), currently governed by Article 33(2)(c) of the Asylum Procedures Directive 2013/32/EU ('APD')[1], was revised as part of the Pact on Migration and Asylum adopted in May 2024.

When applying the 'safe third country' concept ('STC'), Member States may reject asylum applications as inadmissible without examining whether the persons meet the conditions for being granted protection in the EU. The STC concept may be applied as part of the border procedure.

The Asylum Procedure Regulation 2024/1348 ('APR')[2] introduced several changes to the STC rules, aimed at allowing for a broader and more flexible applicability of the STC concept. These changes include:

– The widening of the criteria allowing designation of a third country as 'safe', in particular allowing countries that are not parties to the Geneva Convention to also be designated as STCs, provided that they can offer 'effective protection'[3].

– An explicit reference to family links and stay in the third country as possible indications of a connection (recital 48 APR).

– The option to designate a third country as 'safe' with exceptions for specific parts of its territory or clearly identifiable categories of persons (recital 46 and Article 59(2) APR).

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1 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), OJ L 180, 29.6.2013, p. 60.

2 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.

3 Article 57(2) APR defines "effective protection" to include: the right to remain pending the examination of the application for protection; adequate standard of living corresponding to the overall situation in the country; access to healthcare and education under the same terms as for nationals; and effective protection until the finding of a durable solution.

– The introduction of a presumption of safety for third countries with which the EU has concluded a STC agreement pursuant to Article 218 TFEU (Article 59(7) APR).

– The 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 APR).

The new provisions will apply as of June 2026. In relation to Article 59(2) of the APR, concerning the possibility to designate a third country as 'safe' with territorial and/or category exceptions, the Commission recently proposed to advance its application[4].

The European Parliament and the Council considered that further legislative changes may be required even before the APR applies. Consequently, Article 77 of the APR tasks the Commission with reviewing the STC concept by 12 June 2025 and proposing, where appropriate, any targeted amendments.

• **The review of the safe third country concept**

The Commission adopted a holistic approach to the review in accordance with the obligation under Article 77 of the APR[5].

As part of this review, the Commission examined the elements related to the STC concept and its application under the APR. These include:

(1) the conditions a third country must meet in order to be considered **'safe'**, as set out in Article 59 of the APR. In essence, there should be no risk of persecution or of serious harm in that third country; there must be the possibility to request and, if conditions are fulfilled, receive **effective protection** as defined in Article 57 of the APR; and the principle of *non-refoulement* must be respected.

(2) the existence of a **connection** between the applicant and the third country, meaning that there must be a link between the asylum seeker and the STC that makes it reasonable to transfer the applicant to that STC.

(3) **due process guarantees** established by the APR which must be respected by Member States applying the concept, notably an individual, case-by-case assessment of whether the country is safe for each applicant concerned, as well as the possibility for the applicant to challenge in court both the existence of a connection to the third country in question, as well as the automatic suspensive effect of the appeal, and the fact that the country would be safe given his/her specific circumstances (possibility to rebut the presumption of safety).

As a result of this review, and after careful analysis, the Commission, concluded that there is scope to revise the connection criterion, as it is not a requirement under international law, and the automatic suspensive effect of the appeal. However, it found that there is no scope for revision regarding the criteria for 'safety' of the third country, as they are already aligned with the minimum standards required under international law[6]. Other aspects linked to due process,

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4 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, COM(2025) 186 final of 16.4.2025.

5 SWD (2025) 600 DG HOME SWD linked to safe third countries (STC) proposal

6 Under recital 46 of the APR, effective protection implies "access to means of subsistence sufficient to maintain an adequate standard of living with regard to the overall situation of that hosting third country, access to healthcare and essential treatment of illnesses and to education under the conditions generally provided for in that third country". Furthermore, according to recital 51, "access to means of subsistence sufficient to maintain an adequate standard of living" should be understood as "including

including the individual assessment, are requirements under EU and international law and jurisprudence as essential in protecting individuals from *refoulement* and preserving their fundamental rights. Given their binding nature under EU and international law, these safeguards must remain in place[7].

Therefore, the following two elements have been identified for a targeted amendment of the APR:

(a) the requirement of a connection between the applicant and the third country (the **connection criterion**); and

(b) the **suspensive effect of the appeal** against decisions rejecting an application as inadmissible on the STC ground.

Stakeholders flagged various benefits and risks for each alternative, as summarised in the section 'stakeholder consultation' below.

A. Connection criterion

The Commission's review found that the non-binding nature of the connection criterion in international law allowed room for its revision. It was also the element in the STC concept under the APR that a significant majority of Member States identified as having the biggest impact in facilitating the application of the concept. On this basis, the Commission identified and assessed three alternatives for revising the connection criterion in the context of the APR[8].

(1) *Removal of the connection criterion as a mandatory requirement under EU law*

Since the connection criterion is not required under international law, one alternative considered was to remove its mandatory nature from EU law, thus allowing Member States, when applying the STC concept, the possibility to choose whether to apply the connection criterion or not, and how to define it in national law.

This alternative would facilitate the application of the STC by Member States by potentially expanding the number of applicants to whom the STC concept could be applied, broadening the pool of third countries with which to collaborate in its application, and eliminating the need to prove the existence of a connection to a given STC. This would reduce administrative burden and increase the effectiveness of the processing of asylum applications. It could also contribute to increased responsibility sharing and possibly expand the global protection space. This alternative needs to be applied in line with the EU Charter of Fundamental Rights, including children's rights.

This alternative also covered the possibility of excluding specific groups of vulnerable applicants, or introducing specific measures to prevent absconding (e.g., presumption of risk of absconding when applying the STC concept or introducing a new ground for detention in the Reception Conditions Directive). This alternative also included the possibility to conclude

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access to food, clothing, housing or shelter and the right to engage in gainful employment, for example through access to the labour market, under conditions not less favourable than those of non-nationals of the third country generally in the same circumstances". These requirements are by and large equivalent to what the 1951 Geneva Convention requires for refugees legally staying on the territory: the right to engage in wage-earning employment (Article 17 of the Geneva Convention), to housing (Article 21) and to self-employment (Article 18) should be granted on terms as favourable as for third-country nationals legally residing in the country; the right of access to education (Article 22) and to social security and benefits (Article 24) should be given on the same terms as for nationals.

7 See section 3 of SWD (2025) 600 DG HOME SWD linked to safe third countries (STC) proposal

8 See section 4 of SWD (2025) 600 DG HOME SWD linked to safe third countries (STC) proposal.

agreements or arrangements with third countries requiring the examination of the merits of requests for effective protection made by applicants whose application was rejected as inadmissible under the STC concept.

These elements are part of this legislative proposal.

(2) Considering transit as a sufficient criterion

A second alternative was to consider that mere transit of the applicant through a safe third country is a sufficient criterion to apply the STC concept to the individuals concerned.

The inclusion of transit as a criterion would provide an additional objective link between the applicant and the safe third country, as it is reasonable to expect that a person seeking international protection could have applied for protection in the safe third country through which that person has transited. This interpretation aligns with the approach taken by the Commission in its 2016 proposal for an Asylum Procedure Regulation[9], where it acknowledged that transit through a safe third country could be sufficient to apply the STC concept. Recognising transit as a valid objective link facilitates the application of the concept and possibly expands the range of third countries with which Member States can cooperate on asylum matters. It will be the responsibility of the competent asylum authorities of the Member States to prove such transit.

The possibility of introducing a specific rebuttable presumption of transit was considered, according to which it could be assumed that an individual arriving irregularly in the EU territory, and who is unable to demonstrate a direct route of arrival, must have transited through at least one third country. However, it was concluded that the introduction of a rebuttable presumption would add to the grounds for litigation, which factored against the desired simplification of the application of the STC concept. For this reason, the possibility of introducing a rebuttable presumption was discarded.

(3) Defining the connection criterion in the APR but making it more flexible (which would also include transit)

A third alternative was to define ‘connection’ under EU law to consider cultural ties or knowledge of the language, in addition to transit, as sufficient links, possibly accompanied by a guidance document.

This alternative could broaden the pool of potential STCs, as it goes beyond third countries on the route to the EU, while facilitating cooperation with the third country concerned and contributing to increased responsibility sharing. Furthermore, it could facilitate the integration of the applicant once transferred, thereby enhancing the sustainability of the transfer. However, the burden of proving a connection would always rest on the asylum authorities of the Member States. This alternative was therefore not considered to bring about the desired effect of simplifying the application of the STC concept.

B. Suspensive effect of the appeal

The Commission has further examined whether it is possible to simplify the appeal procedures concerning the application of the STC concept by making the suspensive effect of appeals against inadmissibility decisions non-automatic.

[9] Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM/2016/0467 final - 2016/0224 (COD).

The question of whether an appeal against the application of the STC concept has automatic suspensive effect is particularly important in cases of inadmissibility decisions based on the STC concept, where the application is not examined on its merits. The nature of the fundamental rights at risk, and particularly the risk of *refoulement*, makes the guarantee of the suspensive effect of the appeal in the APR especially important. These risks were flagged during the consultation process by some Member States, UNHCR, and civil society.

Nevertheless, removing the automatic suspensive effect of the appeal could help reduce procedural delays in applying the STC concept and prevent potential abuses of appeal opportunities by the applicants, while still ensuring the protection of the applicant's fundamental rights, by allowing them to request the suspensive effect. Furthermore, to ensure the protection of the rights of applicants from the risk of *refoulement*, there is an automatic suspensive effect against the return decision taken as per Article 37 APR in relation to the inadmissibility decision when there is a risk of breaching the principle of *non-refoulement*. This should guarantee that the persons shall not be transferred where there is a risk of *refoulement* in the third country, or where there is a risk of serious harm, or inhuman or degrading treatment, in the third country.

Conclusions of the review

The Commission has carefully weighed the advantages and disadvantages of each alternative for revising the APR provisions concerning the application of the STC concept. On balance, it considers that a **combination of measures** is most likely to achieve the desired flexibility and facilitate the application of the STC concept by Member States, while maintaining essential safeguards, protecting fundamental rights and addressing the concerns expressed by some stakeholders, as reflected in this proposal.

This proposal therefore would allow, but not require, Member States to apply the STC concept when (i) there is a connection between the applicant and a safe third country in question, or (ii) where the applicant has transited through a safe third country, or (iii) in case of no connection or transit, when there is an agreement or arrangement with a safe third country requiring the examination of the merits of the requests for effective protection made by applicants subject to that agreement or arrangement. The last option should not apply to unaccompanied minors, for which connection or transit would always be required. In addition, Member States should ensure that the best interests of the child are a primary consideration in all decisions concerning minors.

It also simplifies the appeal procedures on the application of the STC concept by proposing to make non-automatic the suspensive effect of appeals against inadmissibility decisions taken on the STC ground.

- **Objectives of the proposal**

The main objective of this proposal is to make a targeted amendment to the Asylum Procedure Regulation 2024/1348 so as to facilitate the application of the STC concept.

- **Consistency with existing policy provisions in the policy area**

This proposal stems from Article 77 of the APR which tasks the Commission with reviewing the STC concept by 12 June 2025 and proposing, where appropriate, any targeted amendments. It is fully consistent with the objectives of the Asylum Procedure Regulation, as adopted on 14 May 2024. It is also aligned with the other legislative instruments adopted in relation to the Pact on Migration and Asylum, notably the Qualification Regulation, the recast Reception Conditions Directive, the Asylum and Migration Management Regulation, the Screening Regulation and the Eurodac Regulation.

Additionally, the proposal for the revision of the safe third country concept is consistent with the proposal for a Return Regulation[10] insofar as the latter expands the scope of the EU rules on return to also cover returns carried out under the STC concept and upholds the safeguards (already) available to returnees under EU return rules, the EU Charter of Fundamental Rights and the European Convention on Human Rights in relation to the respect of the principle of *non-refoulement*.

- **Consistency with other Union policies**

This proposal is consistent with the comprehensive, long-term approach to more effective and coherent migration management, as set out in the Pact on Migration and Asylum involving, *inter alia*, placing migration at the centre of partnership and cooperation relations with third countries. From this perspective, and taking into account the proposal's objective to guarantee the right to seek asylum as well as upholding fundamental rights of refugees, asylum seekers and migrants regardless of their status, the proposal aligns with the EU's commitment to the objectives of the Global Refugee Compact.

The proposal supports the overall objectives of the Pact, and in particular the goal of making the processing of asylum applications in the EU more efficient and finding solutions to cooperate and share the burden with third countries.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposal is Article 78(2), point (d) of the Treaty on the Functioning of the European Union (TFEU).

- **Variable geometry**

In accordance with Articles 1 and 2 of Protocol No 21 on the position of Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union (TEU) and to the TFEU, Ireland shall not take part in the adoption and shall not be bound by any measure adopted pursuant to Title V of Part Three of the TFEU, which includes measures establishing a Common European Asylum System. However, pursuant to Article 3 of that Protocol, Ireland may decide to take part in the adoption and application of such measures. Ireland has given notice of its wish to take part in the Asylum Procedure Regulation. It may also choose to take part in the adoption and application of the present proposal, which amends the Asylum Procedure Regulation, in line with Articles 3 and 4a of Protocol 21.

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.

- **Subsidiarity**

The objective of this proposal is to make a targeted amendment to the Asylum Procedure Regulation aimed at making the application of the STC concept more flexible for Member States. The proposal maintains the optional nature of the application of the STC concept.

The new procedures should be governed by the same rules, regardless of the Member State applying them, to ensure equity in the treatment of the applicants, third-country nationals or

[10] COM(2025) 101 final.

stateless persons subject to them, as well as clarity and legal certainty for the individual. Furthermore, Member States acting alone could create incentives for unauthorised movements from one Member State to another, depending on whether and how they apply the STC concept, or hamper Dublin transfers due to the divergent application of the concept.

The objectives of this proposal cannot be achieved by the Member States alone. The objective of lifting some of the obstacles to the effective application of the STC concept calls for an EU framework, which is necessary to ensure a consistent and coherent application of the STC concept across Member States. The Union must therefore act and may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.

- **Proportionality**

In accordance with the principle of proportionality, as set out in Article 5 of the Treaty on the European Union, this proposal for a targeted amendment to the Asylum Procedure Regulation 2024/1348 does not go beyond what is necessary in order to achieve its objectives, namely, to allow Member States more flexibility in the application of the STC concept in line with international law and in full respect of the fundamental rights enshrined in the EU Charter of Fundamental Rights and the European Convention of Human Rights.

- **Choice of the instrument**

The instrument chosen is a proposal for a Regulation amending the Asylum Procedure Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Collection of knowledge of implementation and application of existing legislation**

For the review of the STC concept, the Commission examined whether there is scope under international law (the 1951 Geneva Convention and the 1950 European Convention of Human Rights) to further revise the conditions for the application of the STC concept and the associated legal safeguards with a view to facilitate the application of the concept in the Member States. The Commission also took into account the experience of the Member States in applying the STC concept so far, including the challenges encountered in the application of the concept, as voiced in different fora. Finally, the Commission analysed the relevant jurisprudence of the CJEU and of the ECtHR.

As regards the factual information on the application of the STC concept by the EU Member States so far, the available data is not very thorough, but indications suggest that practices have, at best, been uneven[11]. Three Member States do not have the STC concept covered in national legislation[12]. All other Member States have the concept included in national legislation, but there are differences in terms of its application: five Member States adopted

[11] See for example EUAA (2022): Applying the Concept of Safe Countries in the Asylum Procedure; Osso, B., 'Unpacking the Safe Third Country Concept in the European Union: Borders, Legal Spaces, and Asylum in the Shadow of Externalization', *International Journal of Refugee Law*, Vol. 35(3), October 2023. Thym, D., *Expert Opinion on Legal Requirements for Safe Third Countries in Asylum Law and Practical Implementation Options*, April 2024.

[12] FR, IT, PL.

lists of safe third countries[13], in twelve Member States the concept is applied only on a case-by-case basis[14], and six Member States do not apply the concept in practice[15].

- **Stakeholder consultations**

The Commission consulted Member States, the European Parliament, civil society organisations and UNHCR between December 2024 and February 2025. Discussions focused on the connection criterion and the automatic suspensive effect of appeals against inadmissibility decisions based on the STC ground.

Discussions with Member States took place in various fora, including Coreper, the Asylum Working Party, Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and informal consultations organised by the Commission on 27 January and 27 February 2025. Discussions with Members of the European Parliament took place on 18 February and with civil society organisations on 19 February 2025.

In these exchanges, a large majority of **Member States** expressed support for reviewing the STC concept and favoured a targeted amendment of the APR to remove the connection criterion and the automatic suspensive effect of appeals, viewing these changes as a means to enhance efficiency, provide greater flexibility in managing asylum applications, particularly during times of disproportionate migratory pressure, and reduce administrative burdens. A minority of Member States were against the deletion of the requirement of the connection criterion and would prefer a flexible definition of connection.

Member States supporting the removal of the connection criterion as a compulsory requirement emphasised that it would broaden the potential scope of applicants eligible for the STC concept, allowing more asylum seekers to be considered under this framework. They argued that this change would also provide greater flexibility in cooperating with third countries, facilitating the establishment of new partnerships. They also contended that, by lifting this requirement, Member States would be better positioned to respond to migratory pressures and crises more effectively. They also pointed to potential efficiency gains, arguing that eliminating the connection criterion would streamline application processing, reduce administrative burdens on national authorities (as there will be no burden to prove connection), and accelerate decision-making.

Member States not supporting the removal of the requirement of the connection criterion warned the removal could hinder the integration of individuals in STCs and the establishment of partnerships with third countries, increase the risks of irregular migration back to the EU from the STC and of individuals being left without ties or guaranteed protection in the STC. In the EU, it may also raise the risk of court litigation, and of secondary movements towards Member States where the STC concept is either not applied or applied with the connection requirement. Some warned that national courts may suspend Dublin transfers to Member States where they consider that the STC concept is applied too leniently or incorrectly, as the connection offered a safeguard. Some Member States further emphasised the need to ensure compliance with international and human rights law, protect vulnerable applicants, avoid shifting responsibility towards third countries, and ensure realistic implementation.

Several Member States also noted that the application of the STC concept may increase the risk of absconding of applicants to whom the STC concept is applied. To address this risk, the majority of Member States considered that the rules provided for by the Reception Conditions

[13] BG, EE, DE, EL, HU.
[14] AT, BE, CY, DK, FI, HR, IE, LV, LT, MT, NL, SE.
[15] CZ, PT, RO, SK, SI, ES.

Directive, such as Articles 9 (restrictions on freedom of movement) and 10 (detention) are sufficient, although a few Member States suggested to explore possible amendments and one proposed to include a recital.

Consultations with Members of the **European Parliament** revealed important divergences of views between Members. Some Members supported deleting the connection criterion and removing the automatic suspensive effect of appeals, arguing that these changes would improve efficiency and curb secondary movements. Other Members opposed both proposals, warning that the lack of a connection criterion could hinder integration in the third country, increase secondary movements, and leave individuals transferred to the third country without protection, while stressing the importance of safeguarding the individual's right to asylum in the EU and of ensuring long-term sustainability of transfers. Additional concerns were raised about the risk of increased court litigation and potential *refoulement* risks if the suspensive effect of appeals were removed. It was also argued that the focus should remain on implementing the Pact, rather than introducing changes that could disrupt its carefully negotiated balance. Some Members noted that any changes to the STC concept must be accompanied by strong cooperation arrangements with third countries, which would also guarantee that transferred persons have access to effective protection.

Civil society organisations were generally opposed to the review of the STC concept and highlighted several key concerns about the practical implementation of the STC concept. They cautioned that it could lead to increased litigation, judicial interventions, and administrative burdens, while negatively impacting the Dublin system and cooperation with third countries. The impact on vulnerable applicants was another key concern, with calls for the connection criterion to remain mandatory for this group.

UNHCR, while acknowledging that the connection criterion is not a requirement under international law, reiterated its reservations about its removal, including concerns about the long-term sustainability of the transfers in the absence of connection, and the risk that transferred persons may remain in an unclear legal situation due to potential subsequent rejections of protection claims also in the STC. UNHCR emphasised the need for robust additional safeguards in the event that the connection criterion was removed. UNHCR also expressed some concerns relating to the STC concept but not directly linked to the proposals for revision.

Regarding the **suspensive effect of appeals**, the majority of Member States and some Members of the European Parliament supported the option of non-automatic suspensive effect. They argued that the removal of the automatic suspensive effect could reduce procedural delays, noting that this would also be in line with the short duration of accelerated and border procedures under the current APR. Additionally, eliminating the automatic suspensive effect could lower financial burdens associated with providing reception conditions for applicants whose protection claims are under examination. They also contended that this measure could prevent the abuse of appeal opportunities by applicants seeking to delay their removal and could help mitigate the risks of absconding and secondary movements.

A few Member States, some Members of the European Parliament, UNHCR and the civil society organisations expressed concerns about the removal of the automatic suspensive effect. In their view, such a change could substantially increase the workload of appeal courts and warned of potential *refoulement* risks. UNHCR considered that removing the automatic suspensive effect could increase detention risks during appeals, and that, even if the return decision retains a suspensive effect, there is a significant risk of wrongful transfer of

applicants at risk, as well as that, even where a removal measure is automatically suspended, this may not ensure an effective remedy against asylum rejections based on STC.

- **Evidence-based policy making**

Article 77 of the APR called for the Commission to carry out a review of the STC concept and, where necessary, propose legislative amendments by June 2025, hence before the application of the APR in June 2026.

In reviewing the STC concept, the Commission took into account the experience of the Member States with its application so far, including the challenges encountered, as voiced in various fora. The Commission also undertook broad stakeholder consultation activities to gather evidence. Finally, the Commission analysed the relevant jurisprudence of the Court of Justice of the EU and of the European Court of Human Rights.

- **Fundamental rights**

This proposal respects fundamental rights and observes the principles recognised, in particular, by the Charter of Fundamental Rights of the European Union, as well as the obligations stemming from international law, in particular from the Geneva Convention on the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant for Civil and Political Rights, the United Nations Convention against Torture, and the United Nations Convention on the Rights of the Child.

The proposal is consistent with Article 18 of the EU Charter, which establishes a right to asylum in the EU. The fact that an agreement or arrangement with a third country requires the examination of the merits of the requests for effective protection made by applicants subject to that agreement or arrangement ensures that the transferred person will receive protection in the safe third country, if eligible. The proposal is also consistent with Article 24 of the EU Charter, which establishes their right to such protection and care as is necessary for their well-being, and the best interests of the child as a primary consideration in all actions relating to children. Furthermore, the proposal guarantees that each individual applicant to whom the STC concept is applied in a Member State will benefit in full of all the procedural guarantees available in the APR in the context of inadmissibility procedures and appeals against inadmissibility decisions, which are in turn fully aligned with Articles 3 and Article 4 of Protocol 4 of the European Convention on Human Rights and the jurisprudence of the ECtHR on those rights.

The proposal is also consistent with the obligation to respect the principle of *non-refoulement*, which is safeguarded in the context of the APR, and will continue to be safeguarded under the new rules on the application of the STC concept. Risks of *refoulement* must be taken into account in the context of examining the admissibility of the asylum application based on the STC concept, when assessing whether a third country is ‘safe’ in general, and for each individual in particular. The proposal establishes that the effects of a return decision that is linked to the inadmissibility decision based on the application of the STC concept, issued as per Article 37 of the APR, shall be automatically suspended for as long as the applicant has a pending appeal where s/he has claims related to a risk of *refoulement*. The proposal for a Return Regulation reaffirms this safeguard, which was already available under the current Return Directive.

The proposal also takes into account the special needs of unaccompanied minors and aligns with EU policies aimed at protecting the rights of the children. For unaccompanied minors, the application of the STC concept based on the existence of a connection or transit complements the safeguards already established in the APR. When Member States apply the

STC concept to unaccompanied minors, the APR already requires an individual assessment based on the best interests of the child. In the context of the STC concept this assessment includes verifying whether appropriate arrangements are in place in the third country to protect the unaccompanied minor and ensure that they will receive support tailored to their specific needs and immediate access to effective protection. Unaccompanied minors are in a particular situation of vulnerability and need specific support, which often can be provided by private actors in the host country.

The right to an effective remedy is adequately ensured when lifting the automatic suspensive effect of the appeal against the inadmissibility decision based on the STC concept, as applicants have the right to request in court the right to remain pending appeal.

4. BUDGETARY IMPLICATIONS

This proposal does not impose any financial or administrative burden on the Union. Therefore, it has no impact on the Union budget. This proposal stems from the Asylum Procedure Regulation (2024/1348) ('APR') that introduced several changes to the STC rules and is therefore part of the Pact on Migration and Asylum adopted in May 2024 for which funding is already foreseen. The application of the safe third country (STC) concept is not new for the Member States and the support to any investments needed for the application of the STC concept is eligible under the existing Asylum, Migration and Integration Fund. The European Union Asylum Agency (EUAA) can support Member States with staff for the same purpose, within their respective mandates.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Under Article 75 of the Asylum Procedure Regulation, Member States are obliged to develop National Implementation Plans based on the Common Implementation Plan developed by the Commission. The Commission must closely monitor the implementation of these national plans. Once the legislative texts under the Pact start applying the European Union Asylum Agency will monitor the operational and technical application of the Common European Asylum System, pursuant to Article 14 of the EUAA Regulation 2021/2303. The application of the STC concept will be included in the monitoring conducted by the EUAA. Furthermore, the annual reports that the Commission must adopt under Article 9 of the Asylum and Migration Management Regulation must include the results of the EUAA's monitoring.

These various elements must be taken into account by the Commission when assessing whether Member States are under migratory pressure, at risk of such pressure, or facing a significant migratory situation. They are also relevant when determining whether a Member State has systemic shortcomings that could lead to serious negative consequences for the functioning of the Dublin system.

The transparency clause added in this proposal, which requires Member States to inform the Commission and other Member States prior to concluding agreements or arrangements with third countries, would also allow the Commission to have a complete overview on the implementation of the STC concept.

- **Detailed explanation of the specific provisions of the proposal**

Options for applying the STC concept

The application of the connection criterion, which is not required under international law, will no longer be mandatory under EU law, which means that Member States will have the choice whether to apply it or not.

When applying the STC concept, Member States will have three options:

1) to apply the STC where there is a connection, as defined in national law, in line with the parameters set by CJEU case law and international standards; *or*
2) to apply the STC concept by considering transit as a sufficient criterion; *or*
3) to apply the STC concept on the basis of an agreement or arrangement with a third country requiring the examination of the merits of the requests for effective protection made by applicants subject to that agreement or arrangement. This will not apply to unaccompanied minors.

The requirement that, in the absence of connection or transit, the STC concept should only be applied on the basis of an agreement or arrangement with a third country means that applicants would be able to have access to a procedure in safe third countries and receive effective protection if justified, without prejudice to the third country deciding whether the person satisfies the conditions for obtaining such protection.

The existence of a connection or of previous transit, establishing a link with the safe third country, will be mandatory when the STC is applied to unaccompanied minors. This requirement reduces their exposure to inadequate protection and social isolation. Unaccompanied minors are in a situation of vulnerability and need additional support when the STC concept is applied to them. This is acknowledged by the provisions of Article 59(6) of the APR, requiring that a third country may only be considered to be safe for an unaccompanied minor where it is not contrary to the best interests of the child and where there are assurances that the third countries' authorities will take charge of the unaccompanied minor and provide immediate support and access to effective protection.

The Pact on Migration and Asylum establishes a more integrated common European system, in which decisions taken by one Member State impact on other Member States. The asylum and migration system of the Pact is based on trust and includes various instruments to ensure transparency (e.g., monitoring of screening and border procedure, EUAA monitoring mechanism) that should also apply to the STC concept. For this reason, the proposal introduces a transparency clause requiring Member States to inform the Commission and other Member States prior to concluding agreements or arrangements with safe third countries. This would also help Member States and the Commission to better coordinate their efforts towards third countries for the conclusion of agreements or arrangements, and support the comprehensive approach in the external dimension of migration. The Commission would also be able to monitor that agreements or arrangements with third countries meet the conditions set by the APR.

Additionally, to limit risks associated with absconding from those Member States applying the STC concept to other Member States not applying it, Member States should be able to take the necessary measures to prevent unauthorised movements of the applicants to whom the STC concept is being applied. These measures can include restricting freedom of movement pursuant to Article 9 of Directive (EU) 2024/1346, or detaining the applicant concerned in accordance with Article 10 thereof, pending the assessment of the admissibility of the application. In this regard, it may be possible to consider there is a risk of absconding when applying the concept.

Non-automatic suspensive effect of the appeal against inadmissibility decisions taken on the STC ground

To enhance procedural efficiency, the Commission also proposes making non-automatic the suspensive effect of appeals against inadmissibility decisions, without prejudice to appeals against related return decisions where there is a risk of breaching the principle of *non-refoulement*. To that end, the ground for inadmissibility checks based on the application of the STC concept is added to Article 68 paragraph 3, point b.

2025/0132 (COD)

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

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:

(1) Regulation (EU) 2024/1348 of the European Parliament and of the Council[16] established 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.

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

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

(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

[16] 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).

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.

(5) In view of the situation of vulnerability of unaccompanied minors and of the need for targeted support, the concept of safe third country should be applied to unaccompanied minors only where a connection or transit can be established with the third country concerned can be established and the conditions of Article 59(6) of Regulation (EU) 2024/1348 of the European Parliament and of the Council are fulfilled. Member States should ensure that the best interests of the child are a primary consideration in all decisions concerning minors.

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

(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[17], or detaining the applicant concerned in accordance with Article 10 thereof, in order to assess the admissibility of applications.

(8) To enhance procedural efficiency, the applicant should not have an automatic right to remain on the territory of a Member State for the purpose of an appeal against inadmissibility decisions taken on the basis of the safe third country concept. Nonetheless, the enforcement of the corresponding return decision is to be suspended during the time limit within which the person concerned can exercise his or her right to an effective remedy before a court of first instance and when such appeal is lodged where there is a risk of breach of the principle of *non-refoulement*.

(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.

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[17] 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).

(10) [In 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 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 …,] its wish to take part in the adoption and application of this [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,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2024/1348 is amended as follows:

(1) Article 59(5) is amended as follows:

(a) 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;
ii) the applicant has transited through the third country concerned;
iii) there is an agreement or an arrangement with the third country concerned requiring the examination of the merits of the requests for effective protection made by applicants subject to that agreement or arrangement.’

(b) the following two subparagraphs are added:

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

Member States shall inform the Commission and the other Member States prior to concluding an agreement or arrangement as referred to in the first paragraph, 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), (d) or (e), or Article 38(2), except where the applicant is an unaccompanied minor subject to the border procedure.’

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,

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

LEGISLATIVE FINANCIAL AND DIGITAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

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.

1.2. Policy area(s) concerned

Asylum

1.3. Objective(s)

1.3.1. General objective(s)

This proposal responds to the requirement of the Asylum Procedure Regulation 2024/1348 for the Commission to review the STC concept and, where appropriate, propose targeted amendments to facilitate its application. It aims to enhance the application of the STC concept in the EU asylum framework.

In line with the Pact on Migration and Asylum, this proposal reinforces partnership-based cooperation with third countries, ensuring that STC agreements and arrangements are mutually beneficial, uphold responsibility-sharing principles, and fully respect fundamental rights. By addressing protection needs and ensuring compliance with international obligations, the proposal also contributes to the EU's commitments under the Global Refugee Compact.

1.3.2. Specific objective(s)

Specific objective No 1

The first objective of this proposal is to make targeted amendments to the Asylum Procedure Regulation 2024/1348 so as to facilitate the application of the STC concept by Member States.

1.3.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

1. Improve legal clarity and consistency in applying the STC concept.

2. Provide Member States with more flexibility in applying the concept, while ensuring compliance with international obligations and fundamental rights.

3. Enhance the efficiency of asylum procedures and reduce pressure on and abuses of EU asylum systems.

1.3.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

Impact of the amendments on the following:

1. Number of Member States using the STC concept (using the connection criterion, the transit criterion or based on agreement or arrangements with STCs).

2. Number of asylum claims rejected as inadmissible based on STC grounds and number of appeals.

3. Number of STC agreements or arrangements at Union or Member State level.

1.4. The proposal/initiative relates to:

☐ a new action

☐ a new action following a pilot project / preparatory action[18]

✠ the extension of an existing action

☐ a merger or redirection of one or more actions towards another/a new action

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

Under Article 75 of the Asylum Procedure Regulation, Member States are required to develop National Implementation Plans based on the Common Implementation Plan developed by the Commission. The Commission has to closely monitor the implementation of the national implementation plans. Once the provisions of the Pact start applying in June 2026, the European Union Asylum Agency will monitor the operational and technical application of the Common European Asylum System pursuant to Article 14 of the EUAA Regulation 2021/2303. The application of the STC concept will be part of the monitoring by EUAA. Furthermore, the annual reports that the Commission must adopt pursuant to Article 9 of the Asylum and Migration Management Regulation must include the results of the monitoring of the EUAA. These various elements have to be taken into account by the Commission when assessing whether Member States are under migratory pressure, at risk thereof, or facing a significant migratory situation, as well as when determining whether a Member State has systemic shortcomings that could result in serious negative consequences for the functioning of the Dublin system.

1.5.2. Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.

Reasons for action at EU level (ex-ante): the STC concept and asylum procedure are governed by EU law under the Asylum Procedure Regulation (EU) 2024/1348. Without EU-level action, Member States would continue to apply the STC concept in a fragmented manner, leading to inconsistencies in legal interpretation and procedural safeguards. Diverging national approaches would create legal uncertainty, increase litigation risks, and undermine the uniform application of asylum rules across the Union. A lack of coordinated action would also hinder fair burden-sharing among Member States and weaken the EU's ability to engage effectively with third countries on migration matters. By acting at the EU level, this proposal ensures harmonisation, legal certainty, and procedural safeguards, while providing Member States with greater flexibility to implement the STC concept in a legally sound and operationally effective manner.

[18] As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

Expected generated EU added value (ex-post): once implemented, this proposal will enhance legal certainty and procedural efficiency by ensuring that all Member States apply the STC concept consistently. The removal of the automatic suspensive effect of appeals will reduce delays in asylum decision-making, enabling faster processing of inadmissible claims, while maintaining access to effective legal remedies.

The proposal will also strengthen cooperation with third countries by providing a clear legal framework for STC application, whether or not a connection exists, provided that agreements or arrangements are in place. Furthermore, the transparency clause will enable the Commission to monitor the compliance of agreements or arrangements with the APR, safeguarding EU credibility in migration partnerships.

At the EU level, monitoring by the EUAA and the Commission will ensure that Member States apply the revised STC rules in full compliance with fundamental rights and procedural safeguards. While the proposal limits the automatic suspensive effect of appeals, it maintains essential legal protections by requiring that return decisions be suspended at the first level of appeal when there is a risk to breach the principle of *non-refoulement*. These measures strike a balance between efficiency and fairness, ensuring that the EU asylum system remains effective, predictable, and aligned with international human rights obligations.

1.5.3. Lessons learned from similar experiences in the past

Application of the STC concept varies amongst Member States and is not applied by all, making comparisons difficult. The Commission adopted a holistic approach in reviewing the STC concept. They examined whether international law (the 1951 Geneva Convention and the 1950 European Convention of Human Rights) allows for further revisions to the conditions for applying the STC concept and its legal safeguards, with the aim of facilitating the application of the concept in the Member States. The Commission also considered Member States' experiences and challenges in applying the STC concept, as voiced in different fora, and assessed whether the changes introduced under the APR had already addressed these issues or if gaps remained. Finally, the Commission analysed relevant jurisprudence of the Court of Justice of the EU and of the European Court of Human Rights.

1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments

This proposal stems from the APR that introduced several changes to the STC rules and is therefore part of the Pact on Migration and Asylum adopted in May 2024 for which funding is already foreseen. This proposal does not impose any financial or administrative burden on the Union. Therefore, it has no impact on the Union budget. The application of the STC concept is not new for the Member States. Member States will be able to make use of the funds allocated under their national programmes under both the existing Asylum, Migration and Integration Fund to support any investments needed for the application of the STC concept. The EUAA can support Member States with staff for the same purpose, within their respective mandates.

1.5.5. Assessment of the different available financing options, including scope for redeployment

Not applicable.

1.6. Duration of the proposal/initiative and of its financial impact

☐ **limited duration**

– ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

✠ **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY,

– followed by full-scale operation.

1.7. Method(s) of budget implementation planned[19]

☐ **Direct management** by the Commission

– ☐ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

✠ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated

– ☐ international organisations and their agencies (to be specified)

– ☐ the European Investment Bank and the European Investment Fund

– ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation

– ☐ public law bodies

– ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees

– ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act

– ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

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[19] Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Under Article 75 of the Asylum Procedure Regulation (EU) 2024/1348, Member States must develop National Implementation Plans based on the Common Implementation Plan set by the Commission, which will closely monitor their implementation. Once the provisions of the Pact start applying in June 2026, the EUAA will oversee the operational and technical application of the Common European Asylum System under Article 14 of the EUAA Regulation (EU) 2021/2303, including the implementation of the STC concept.

The Commission's annual reports under Article 9 of the Asylum and Migration Management Regulation will include EUAA's monitoring results, assessing whether Member States are under migratory pressure or facing systemic shortcomings that could affect the functioning of the Dublin system, including linked to the application of the STC concept. The added transparency clause will allow the Commission to monitor agreements and arrangements with third countries in light of the APR requirements.

2.2. Management and control system(s)

2.2.1. Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

Not applicable.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

One of the risks associated with the proposal is that Member States may establish agreements or arrangements with third countries that do not meet the necessary standards. To mitigate this risk, a transparency clause has been introduced, according to which Member States need to inform the Commission and other Member States prior to the conclusion of agreements or arrangements.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)

Not applicable

2.3. Measures to prevent fraud and irregularities

Not applicable

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Section 3 not applicable as no financial or staff implications.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☐ The proposal/initiative requires the use of operational appropriations, as explained below

3.2.1.1. Appropriations from voted budget

EUR million (to three decimal places)

Heading of multiannual financial framework		Number					
			Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
TOTAL operational appropriations	Commitments	(4)	0.000	0.000	0.000	0.000	**0.000**
	Payments	(5)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations under HEADING <….> of the multiannual financial framework	Commitments	=4+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	Payments	=5+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

Heading of multiannual financial framework	**7**	‘Administrative expenditure’[20]

DG: <…….>	Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
• Human resources	0.000	0.000	0.000	0.000	**0.000**
• Other administrative expenditure	0.000	0.000	0.000	0.000	**0.000**

[20] The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

TOTAL DG <…….>	Appropriations	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

DG: <…….>		Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
• Human resources		0.000	0.000	0.000	0.000	**0.000**
• Other administrative expenditure		0.000	0.000	0.000	0.000	**0.000**
TOTAL DG <…….>	Appropriations	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

EUR million (to three decimal places)

		Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
TOTAL appropriations under HEADINGS 1 to 7	Commitments	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
of the multiannual financial framework	Payments	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

3.2.1.2. Appropriations from external assigned revenues

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	

DG: <…….>			Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
Operational appropriations							
Budget line	Commitments	(1a)					**0.000**

	Payments	(2a)					**0.000**
Budget line	Commitments	(1b)					**0.000**
	Payments	(2b)					**0.000**
Appropriations of an administrative nature financed from the envelope of specific programmes[21]							
Budget line		(3)					**0.000**
TOTAL appropriations for DG <…….>	Commitments	=1a+1b+3	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	Payments	=2a+2b+3	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

Mandatory table:

			Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
TOTAL operational appropriations	Commitments	(4)	0.000	0.000	0.000	0.000	**0.000**
	Payments	(5)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations under HEADING <….> of the multiannual financial framework	Commitments	=4+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	Payments	=5+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

Mandatory table

			Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
TOTAL operational appropriations	Commitments	(4)	0.000	0.000	0.000	0.000	**0.000**

[21] Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

	Payments	(5)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations under HEADING <….> of the multiannual financial framework	Commitments	=4+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	Payments	=5+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

			Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL MFF 2021-2027**
• TOTAL operational appropriations (all operational headings)	Commitments	(4)	0.000	0.000	0.000	0.000	**0.000**
	Payments	(5)	0.000	0.000	0.000	0.000	**0.000**
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)	0.000	0.000	0.000	0.000	**0.000**
TOTAL appropriations under Headings 1 to 6 of the multiannual financial framework (Reference amount)	Commitments	=4+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	Payments	=5+6	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

Heading of multiannual financial framework	**7**	‘Administrative expenditure’[22]

EUR million (to three decimal places)

DG: <…….>	Year	Year	Year	Year	**TOTAL**

[22] The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

		2024	2025	2026	2027	MFF 2021-2027
• Human resources		0.000	0.000	0.000	0.000	**0.000**
• Other administrative expenditure		0.000	0.000	0.000	0.000	**0.000**
TOTAL DG <…….>	Appropriations	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

DG: <…….>		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
• Human resources		0.000	0.000	0.000	0.000	**0.000**
• Other administrative expenditure		0.000	0.000	0.000	0.000	**0.000**
TOTAL DG <…….>	Appropriations	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

EUR million (to three decimal places)

		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
TOTAL appropriations under HEADINGS 1 to 7	Commitments	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
of the multiannual financial framework	Payments	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

3.2.2. Estimated output funded from operational appropriations (not to be completed for decentralised agencies)

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs			Year **2024**	Year **2025**	Year **2026**	Year **2027**	Enter as many years as necessary to show the duration of the impact (see Section1.6)	**TOTAL**
	OUTPUTS							

⇩	Type[23]	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1[24]…																				
- Output																				
- Output																				
- Output																				
Subtotal for specific objective No 1																				
SPECIFIC OBJECTIVE No 2 ...																				
- Output																				
Subtotal for specific objective No 2																				
TOTALS																				

[23] Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built, etc.).

[24] As described in Section 1.3.2. 'Specific objective(s)'

3.2.3. Summary of estimated impact on administrative appropriations

– ✠ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

3.2.3.1. Appropriations from voted budget

VOTED APPROPRIATIONS	Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL 2021 - 2027**
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	**0.000**
Other administrative expenditure	0.000	0.000	0.000	0.000	**0.000**
Subtotal HEADING 7	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	**0.000**
Subtotal outside HEADING 7	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
TOTAL	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

3.2.3.3. Total appropriations

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL 2021 - 2027**
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	**0.000**
Other administrative expenditure	0.000	0.000	0.000	0.000	**0.000**
Subtotal HEADING 7	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	**0.000**
Subtotal outside HEADING 7	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
TOTAL	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together, if necessary, with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

3.2.4. Estimated requirements of human resources

– ✠ The proposal/initiative does not require the use of human resources

– ☐ The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. Financed from voted budget

Estimate to be expressed in full-time equivalent units (FTEs)[25]

VOTED APPROPRIATIONS		Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
• External staff (inFTEs)					
20 02 01 (AC, END from the 'global envelope')		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0	0
	- in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
TOTAL		**0**	**0**	**0**	**0**

3.2.4.2. Financed from external assigned revenues

EXTERNAL ASSIGNED REVENUES		Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
• External staff (in full time equivalent units)					
20 02 01 (AC, END from the 'global envelope')		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0	0
	- in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
TOTAL		**0**	**0**	**0**	**0**

25 Please specify below the table how many FTEs within the number indicated are already assigned to the management of the action and/or can be redeployed within your DG and what are your net needs.

3.2.4.3. Total requirements of human resources

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES		Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
• External staff (in full time equivalent units)					
20 02 01 (AC, END from the 'global envelope')		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0	0
	- in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
TOTAL		**0**	**0**	**0**	**0**

[Considering the overall strained situation in Heading 7, in terms of both staffing and the level of appropriations, the human resources required will be met by staff from the DG who are already assigned to the management of the action and/or have been redeployed within the DG or other Commission services.]

Description of tasks to be carried out by:

Officials and temporary staff	
External staff	

3.2.5. Overview of estimated impact on digital technology-related investments

Compulsory: the best estimate of the digital technology-related investments entailed by the proposal/initiative should be included in the table below.

Exceptionally, when required for the implementation of the proposal/initiative, the appropriations under Heading 7 should be presented in the designated line.

The appropriations under Headings 1-6 should be reflected as "Policy IT expenditure on operational programmes". This expenditure refers to the operational budget to be used to re-use/ buy/ develop IT platforms/ tools directly linked to the implementation of the initiative and their associated investments (e.g. licences, studies, data storage etc). The information provided in this table should be consistent with details presented under Section 4 "Digital dimensions".

TOTAL Digital and IT appropriations	Year	Year	Year	Year	**TOTAL MFF**

	2024	2025	2026	2027	2021 - 2027
HEADING 7					
IT expenditure (corporate)	0.000	0.000	0.000	0.000	**0.000**
Subtotal HEADING 7	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Outside HEADING 7					
Policy IT expenditure on operational programmes	0.000	0.000	0.000	0.000	**0.000**
Subtotal outside HEADING 7	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
TOTAL	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**

3.2.6. Compatibility with the current multiannual financial framework

The proposal/initiative:

– ☐ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF)

Not applicable.

– ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation

Not applicable.

– ☐ requires a revision of the MFF

Not applicable.

3.2.7. Third-party contributions

The proposal/initiative:

– ☐ does not provide for co-financing by third parties

– ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **2024**	Year **2025**	Year **2026**	Year **2027**	Total
Specify the co-financing body					
TOTAL appropriations co-financed					

3.3. Estimated impact on revenue

– ☐ The proposal/initiative has no financial impact on revenue.

– ☐ The proposal/initiative has the following financial impact:

  – ☐ on own resources

  – ☐ on other revenue

  – ☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[26]			
		Year **2024**	Year **2025**	Year **2026**	Year **2027**
Article …….					

For assigned revenue, specify the budget expenditure line(s) affected.

Not applicable

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

Not applicable

4. DIGITAL DIMENSIONS

Not applicable. The proposal is a targeted amendment to the APR which is part of the Pact. All the digital elements are in the pact not here.

4.1. Requirements of digital relevance

Not applicable

4.2. Data

Not applicable

4.3. Digital solutions

Not applicable

4.4. Interoperability assessment

Not applicable

4.5. Measures to support digital implementation

Not applicable

[26] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20% for collection costs.