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## **4.1.3. Examining the admissibility of an application and applying special procedures and safe country concepts**

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icon for admissibility procedures

Courts played a key role in shaping practices related to safe country concepts and subsequent applications in 2024, which is expected to impact how countries can implement new requirements in the APR. Only a few legislative and policy changes took place in 2024, for example in Bulgaria and Iceland, but as countries begin to align national legislation to the new EU rules, this is expected to change.

In recent years, several EU+ countries have highlighted the challenges of secondary movements of recognised beneficiaries of international protection. In related court cases, the CJEU clarified that when an application from a beneficiary in another Member State cannot be rejected as inadmissible, the asylum authorities must carry out a new examination. They are not bound by the decision of the authority of another Member State, but they must take it into account during the new examination.[152](#)

Various EU+ countries received a high or increased number of subsequent applications, and the CJEU delivered two rulings in this context. One confirmed that a judgment from the court may constitute a new element which justifies a full re-examination of the application if it significantly adds to the likelihood of an applicant qualifying for international protection.[153](#) The other judgment highlighted that EU law does not allow the presumption that circumstances created by the applicant after leaving the country of origin (such as religious conversion) stem from abusive intent, and thus, subsequent applications must be assessed on an individual basis.[154](#) The rulings underline the obligations of national authorities and highlight that a thorough examination must take precedence over short-cuts for efficiency gains.

The new APR applies safe country of origin concepts in a broader manner and several analyses have highlighted grey areas in interpretation.<sup>155</sup> Still interpreting provisions of the recast APD, the CJEU ruled that a country cannot be designated as a safe country of origin when certain regions do not fulfil the criteria for that designation.<sup>156</sup> This led to an update in legislation and practices for example in Italy and the Netherlands (see *Figure 4*). In addition, the Tribunal of Naples concluded that the CJEU's argumentation also applied to Egypt.<sup>157</sup> The case was invoked by the Tribunal of Rome when deliberating on transfers under the protocol between the Italian and Albanian governments (see *Section 3*).<sup>158</sup>

#### **Figure 4. Overview of changes to lists of safe countries, 2024**

a figure representing an overview of changes to lists of safe countries in 2024

Sources: Bulgaria,<sup>159</sup> Belgium, <sup>160</sup> Cyprus, <sup>161</sup> Greece, <sup>162</sup> Ireland, <sup>163</sup> Italy, <sup>164</sup> Netherlands, <sup>165</sup> Norway,<sup>166</sup> and Switzerland. <sup>167</sup>

Nonetheless, ambiguities continued when applying the safe country of origin lists. A question for a preliminary ruling was pending in front of the CJEU on whether a country can be designated as safe with the exception of certain risk profiles,<sup>168</sup> and another follow-up question to C-406/22 was referred to the CJEU by the Tribunal of Bologna, seeking clarification about not applying national legislation when there is a conflict between the conditions for designation and EU law. <sup>169</sup> At the national level, the Court of Cassation in Italy ruled on the ministry's authority to set out a list of safe countries of origin and on the adjudicating authority's duty to investigate the safety of countries included in the list and disapply the designation if it conflicts with EU or national law, considering the applicant's specific circumstances.<sup>170</sup>

In C-134/23, the CJEU ruled that Greece may designate Türkiye as a safe third country in its laws, but Greek authorities may not reject an application as inadmissible on this basis if the designated country does not readmit asylum seekers.<sup>171</sup> The Bulgarian Administrative Court of Sofia referred questions to the CJEU on the criteria used to establish a connection with a third country.<sup>172</sup>

The Irish High Court found that there were shortcomings in the procedure for the designation of safe third countries.<sup>173</sup> Legislation was passed to ensure that serious harm would be taken into account in the designation process.<sup>174</sup>

- [152](#)

European Union, Court of Justice of the European Union [CJEU], [QY v Bundesrepublik Deutschland](#), C-753/22, ECLI:EU:C:2024:524, 18 June 2024. Link redirects to the English summary in the EUAA Case Law Database.

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European Union, Court of Justice of the European Union [CJEU], [A.A. v Federal Republic of Germany](#), C-216/22, ECLI:EU:C:2024:122, 8 February 2024. Link redirects to the English

summary in the EUAA Case Law Database.

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European Union, Court of Justice of the European Union [CJEU], [Federal Office for Immigration and Asylum \(Bundesamt für Fremdenwesen und Asyl, BFA\) v JF](#), C-222/22, ECLI:EU:C:2024:192, 29 February 2024. Link redirects to the English summary in the EUAA Case Law Database.

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Italy, Civil Court [Tribunali], [Applicant v Questura di Ragusa](#), 4 November 2024. Link redirects to the English summary in the EUAA Case Law Database. Italy, Civil Court [Tribunali].

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Italy, Civil Court [Tribunali], [Applicant v Ministry of the Interior \(Territorial Commission of Siracusa\)](#), 17 October 2024. Link redirects to the English summary in the EUAA Case Law Database. Italy, Civil Court [Tribunali], [Applicants v Questura di Roma](#), 18 October 2024. Link redirects to the English summary in the EUAA Case Law Database.

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[Arrêté royal du 12 Mai 2024 portant exécution de l'article 57/6/1, § 3, alinéa 4, de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, établissant la liste des pays d'origine sûrs \[Royal Decree of 12 May 2024 implementing Article 57/6/1, § 3, subparagraph 4, of the Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners, establishing the list of safe countries of origin\]](#), 12 May 2024.

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