



PRESS RELEASE No 103/25

Luxembourg, 1 August 2025

Judgment of the Court in Joined Cases C-758/24 | [Alace] and C-759/24 | [Canpelli] ¹

International protection: the designation of a third country as a ‘safe country of origin’ must be amenable to effective judicial review

A third-country national may have his or her application for international protection rejected under an accelerated border procedure when his or her country of origin is designated as ‘safe’ by a Member State. The Court makes clear that that designation may be made by a legislative act, provided that that act can be subject to effective judicial review as regards compliance with the material criteria laid down by EU law. The sources of information on which that designation is based must be accessible to the applicant and to the national court or tribunal. However, a Member State may not include a country in the list of safe countries of origin if that country does not offer adequate protection to its entire population.

Under Directive 2013/32/EU, ² Member States may accelerate the examination of applications for international protection and conduct it at the border where those applications are made by nationals of countries considered to offer adequate protection. In Italy, that designation of third countries as ‘safe countries of origin’ has been effected, since October 2024, by a legislative act. Under that act, Bangladesh is considered in Italy to be such a ‘safe country of origin’.

It is in that context that two Bangladeshi nationals, rescued at sea by the Italian authorities, were taken to a detention centre in Albania under the Italy-Albania Protocol, ³ where they lodged an application for international protection. Their application was examined under the accelerated border procedure by the Italian authorities, which rejected it as unfounded, on the ground that their country of origin is considered ‘safe’.

The applicants challenged the rejection decision before the Rome District Court, which made a reference to the Court of Justice in order to clarify the application of the safe country of origin concept and the Member States’ obligations in terms of effective judicial review. The referring court maintains that, unlike the previous scheme, the legislative act of October 2024 does not specify the sources of information on which the Italian legislature relied in order to assess a country’s safety. Consequently, according to that court, both the applicant and the judicial authority are deprived of the possibility, respectively, of challenging and reviewing the lawfulness of such a presumption of safety, by examining in particular the origin, authoritativeness, reliability, relevance, topicality and completeness of those sources.

The Court answers that **EU law does not preclude a Member State from designating a third country as a safe country of origin by means of a legislative act, provided that that designation can be subject to effective judicial review.** That review must relate to compliance with the material conditions for such a designation set out in Annex I to the Directive, in particular where an action is brought against a decision rejecting an application for asylum under the accelerated procedure applicable to nationals of countries thus designated.

The Court also points out that **the sources of information on which such a designation is based must be sufficiently accessible, both for the applicant and for the court or tribunal having jurisdiction.** That

requirement is intended to ensure effective judicial protection, enabling the applicant to assert his or her rights effectively and the national court or tribunal to exercise its power of review fully. Furthermore, the court or tribunal may, when it verifies whether such a designation complies with the conditions set out in Annex I to the Directive, take account of the information which it has itself gathered, provided that it ascertains that that information is reliable and gives the two parties to the proceedings the opportunity to submit their observations on that additional information.

Finally, the Court points out that, until the entry into force of a new regulation which will replace the directive currently applicable, **a Member State may not designate 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.** The new regulation,⁴ which allows designations to be made with exceptions for such clearly identifiable categories of persons, will be applicable as from 12 June 2026, but it is open to the EU legislature to bring that date forward.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Images of the delivery of the judgment are available on '[Europe by Satellite](#)' » ☎ (+32) 2 2964106.

You will find [here](#) an explanatory video on the judgment from the Court of Justice of the European Union.

Stay Connected!



¹ The names of the present case are fictitious names. They do not correspond to the real names of any of the parties to the proceedings.

² [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.

³ The protocol between Italy and Albania, concluded in Rome on 6 November 2023 and ratified by Law No 14 of 21 February 2024, establishes a detention and repatriation centre on Albanian territory, but subject to Italian jurisdiction. That centre is intended for international protection applicants and allows for the application of an accelerated border procedure, applicable to nationals from countries considered safe.

⁴ [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.