ENE-004816/2020Answer given by Ms Johanssonon behalf of the European Commission(6.11.2020)

The Commission is following the situation closely and has taken note of reports such as those cited by the Honourable Members.

The Commission has raised concerns over such reports with the Hellenic authorities and underlined Member States’ responsibility to perform duties of border surveillance under the Regulation (EU) 2016/399 on the Schengen Borders Code[[1]](#footnote-1) in full compliance with obligations related to fundamental rights, access to international protection and the principle of *non-refoulement* under Union and international law.

Without prejudice to the Commission’s powers as guardian of the Treaties, national authorities are primarily responsible for implementing and applying correctly EU law. Therefore, the Commission has urged the Hellenic authorities to investigate any alleged misconduct.

With the New Pact on Migration and Asylum[[2]](#footnote-2), in particular the proposal for a Regulation introducing a screening of third country nationals at the external borders[[3]](#footnote-3), the Commission has proposed that Member States establish an independent monitoring mechanism with the support of the Fundamental Rights Agency. Such a monitoring mechanism would ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening and that allegations of non-respect for fundamental rights, including in relation to access to the asylum procedure and non-compliance with the principle of *non-refoulement*, are dealt with effectively and without undue delay.

1. Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016. [↑](#footnote-ref-1)
2. COM(2020)609 final of 23 September 2020. [↑](#footnote-ref-2)
3. COM(2020)612 final of 23 September 2020. [↑](#footnote-ref-3)