

Committee on Civil Liberties, Justice and Home Affairs
The Chairman

D 202035 17.09.2020

IPOL-COM-LIBE D (2020) 26448

Ylva Johansson
Commissioner
Home Affairs
BERL 09/203
Rue de la Loi 200
1049 Brussels

Dear Commissioner,

The Greek government has adopted new legislation on the work of non-governmental organisations (NGOs) that are supporting refugees and migrants in Greece.

These NGOs are now required to register with the Ministry of Migration and Asylum. It seems that these rules exclude any unregistered organisation from carrying out any activity related to asylum or migration, including providing legal or psycho-social assistance. Besides, the NGOs have to be “certified” should they wish to receive national or EU funding.

It is expected that many organisations will probably not be able to register because of heavy and disproportionate reporting requirements. Besides, several concerns were raised because, seemingly, there is a broad and arguably undue discretion on the part of the Ministry to refuse and revoke registrations. Furthermore, we have heard that several organisations have not managed to register in the short time provided (mid-June) and have been informed already that they can no longer continue offering their services in the hotspots, something that will have immediate negative consequences to their beneficiaries. Against this backdrop, the Expert Council on NGO Law of the Council of Europe issued an opinion on 2 July 2020¹, which estimates that the new Law is disproportionately impacting on NGO’s very ability to exist.

Given the importance that the Commission and the Parliament have given to the role of civil society organisations, not only for policy development, but also in the support of asylum seekers, refugees and migrants, this information is very worrying. NGOs play an important role not only in the asylum procedure with regard to advice and counselling in accordance with the Asylum Procedure Directive, but also in the support of the reception of asylum seekers in accordance with the Reception Conditions Directive, in particular with regard to the reception of vulnerable persons. As set out in the Council of Europe opinion, there might also be fundamental rights issues concerning the freedom of association, the freedom of expression, freedom from discrimination and the right to privacy, among others.

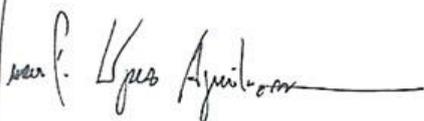
¹ <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registration-greece/16809ee91d>

Therefore, we would like to ask the Commission to assess the consequences of the new legislation on the registration of NGOs with the Ministry for Migration and Asylum on its conformity with the Charter of Fundamental Rights and EU law and the asylum *acquis*, and, if necessary, to issue specific recommendations on corrective measures to be taken by the Greek authorities.

May I take this opportunity to remind you of previous commitments to share the Commission assessment of recent legislative changes in Greece in the field of asylum with the Parliament and the LIBE committee in particular.

I would like to thank you very much in advance.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Juan F. López Aguilar", with a long horizontal flourish extending to the right.

Juan Fernando López Aguilar