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Brussels, 22 April 2021

Dear Honourable Members of the European Parliament,

Thank you for your letter of 22 February 2021, in which you inquire about the follow-up actions of the Commission regarding the incidents at the Greece-Turkey land borders and alleged pushbacks both at land and sea borders earlier year. I share your concerns about such allegations. A holistic approach is needed to prevent incidents that might put human lives at risk. Our actions must uphold our fundamental rights and values, and we have a duty to provide assistance to those in need.

Under the EU law, Member States have the right, as well as an obligation, to protect the EU external borders by preventing unauthorised entries. The Commission has repeatedly stressed that any measures taken to protect the EU external borders must be proportionate and compliant with fundamental rights. The right to apply for asylum must be upheld and pushbacks are therefore not in line with European and international law.

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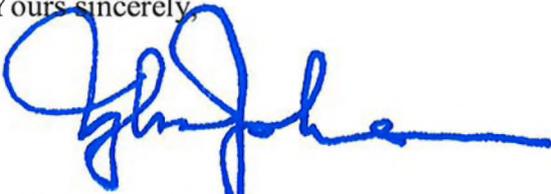
Without prejudice to the Commission's powers as the guardian of the Treaties, national authorities are primarily responsible for implementing and applying EU law correctly. Therefore, the Commission has urged the Greek authorities, in numerous communications it had with the authorities both at political and technical levels, to investigate any alleged misconduct. The Commission has met also with the Greek Ombudsman that has been investigating allegations of pushbacks at the Greek border with Turkey since 2017.

It is clear that a more systematic follow-up to these types of serious incidents is a must.

The Commission believes that it is important for all Member States to have in place an independent monitoring mechanism monitoring compliance with fundamental rights, including the respect of the non-refoulement principle at external borders. The Commission has put on the table a specific proposal in that respect, as part of the New Pact on Migration and Asylum. The Commission will continue supporting the European Parliament and the Council in reaching an ambitious agreement in that respect. The role of the Fundamental Rights Agency in providing guidance to Member States on how to design a robust monitoring mechanism will equally be very important.

I am looking forward to continuing working closely with you and with the European Parliament on all these fundamental aspects of a fair and effective migration policy.

Yours sincerely,



Ylva JOHANSSON

Cc: Ms. Monique Pariat, Director-General for Migration and Home Affairs.