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E-001433/2021Answer given by Ms Johanssonon behalf of the European Commission(4.6.2021)

As guardian of the Treaties, the Commission monitors the Member States’ action in implementing EU law. However, the Member States have the primary responsibility for transposing, applying and implementing EU law correctly. They also have to provide sufficient remedies to ensure effective legal protection in the fields covered by EU law. In this context, the Commission pays particular attention to cases demonstrating a persistent failure by a Member State to apply EU law correctly.

The Commission is aware of similar allegations concerning the Greek islands and has repeatedly requested the Greek authorities to carry out relevant investigations.

The Commission has also recalled that while it is important to protect the external border, it is imperative for Member State authorities to uphold EU fundamental rights and values, including the right to asylum. Any measures taken to address a difficult border situation must be proportionate, necessary and in respect of all fundamental rights.

The Commission is in constant dialogue with the Greek authorities, including on issues relating to access to the asylum procedure and border management.

One of the proposals in the New Pact on Migration and Asylum that the Commission presented on 23 September 2020 would require Member States to set up an independent monitoring mechanism to monitor respect for fundamental rights in relation to the proposed screening at the external borders, including compliance with the principle of non-refoulement during the screening.