

**Question for written answer E-004243/2016  
to the Commission**  
Rule 130  
**Helga Stevens (ECR)**

Subject: Policy on the European Border and Coast Guard Agency

On the basis of the Commission proposal, the European Border and Coast Guard Agency has been given a clearly defined set of tasks, with a Return Office that can carry out return operations when requested. The decision to carry out returns is still taken by the relevant EU Member State, e.g. on the basis of Articles 33-35 of Directive 2013/32/EU on common procedures for granting and withdrawing international protection (Recast) (Asylum Procedures Directive) transposed into national law.

The above-mentioned articles of the Asylum Procedures Directive state that any asylum seeker who has already enjoyed *de facto* protection in a foreign country may have his or her application refused by an EU Member State under an accelerated procedure. These articles also underlie the agreement between the EU and Turkey.

Is the Commission going to link the establishment of this Agency to a policy strategy relating to the above-mentioned articles of the Asylum Procedures Directive, urging uniform application in a last-ditch attempt to ratchet up the return figures, so that the Agency does not become a paper tiger?

Does the Commission plan to conclude return agreements or deals with other transit countries, e.g. in North Africa, to make a single return procedure possible and reduce the number of deaths by drowning in the Mediterranean Sea area?

In general, does the Commission agree with the view that, when applying the above-mentioned articles, the principle of non-refoulement in the legislative proposal does not prevent refugees being returned because they have already enjoyed *de facto*, if not *de jure*, protection outside the EU and were thus safe?