

**Question for written answer E-002315/2019
to the Commission**
Rule 138
Guido Reil (ID)

Subject: Refugees

In a judgment of 14 May 2019¹, the ECJ ruled that the Member States could no longer expel refugees who have committed serious crimes and who constitute a danger to society if they face the threat of torture or death in their country of origin. According to the ECJ, the Charter of Fundamental Rights of the European Union, which prohibits expulsion, takes precedence over the Geneva Convention on Refugees of 28 July 1951 and the Protocol of 31 January 1967, which states that expulsion is permissible if a person constitutes a danger to society.

Will the Commission confirm that the governments of the Member States can, on the basis of the Charter of Fundamental Rights of the European Union, no longer expel refugees who constitute a danger to society, whilst the governments of non-EU countries can continue to fall back on the Geneva Convention and the 1967 Protocol?

What is the Commission's assessment of, and justification for, this situation in the light of the security of EU citizens within the EU?

Was this matter taken into account when Article 19 of the EU Charter of Fundamental Rights was drawn up and approved? If so, to what extent?

¹ M v Ministerstvo vnitra and X and X v Commissaire général aux réfugiés et aux apatrides, ECLI:EU:C:2019:403.