1. The Commission services have asked the national authorities to provide a response to the question raised by the Honourable Member, which will be transmitted to the Honourable Member as soon as possible.

2. Article 38(4) of the Asylum Procedures Directive\(^1\) provides that ‘Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II’. While Chapter II of the Asylum Procedures Directive does not regulate the question of a fee, the Commission has indicated to the Greek authorities that the unconditional application of a EUR 100 fee for second subsequent applications raises issues in terms of effective access to the asylum procedure.

3. The condition for the application of Article 38(4) of the Asylum Procedures Directive is that ‘the third country does not permit the applicant to enter its territory’. If that condition is met, Member States shall ensure that access to a procedure on substance is given, and therefore shall not reject the subsequent application as inadmissible on the basis of the safe third country concept.

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