

**Question for oral answer O-000016/2011  
to the Commission**

Rule 115

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on behalf of the Verts/ALE Group

Subject: Impact of the ECtHR judgment M.S.S. v. Belgium and Greece (application no. 30696/09) on the functioning of the 'Dublin II' Regulation

On 21 January 2011 the Grand Chamber of the European Court of Human Rights (ECtHR) rendered its long-awaited judgment in the case of M.S.S. v. Belgium and Greece (application no. 30696/09). In its ruling the ECtHR found, inter alia, that expulsions to Greece (within the 'Dublin II' Regulation) constitute a manifest breach of the ECHR due to deficiencies of the asylum procedure in Greece. According to the Court's ruling, a Member State, in casu Belgium, violates (inter alia Articles 3 and 13 of) the ECHR if it exposes asylum seekers to an asylum procedure in Greece.

With regard to the aforementioned:

- Can the Commission, taking into account the (legal) commitment of the EU to accede to the European Convention on Human Rights and Fundamental Freedoms and the ongoing work of all the EU institutions in this process, clearly denote its stance on the significance of the ECHR legal framework and the rulings of the ECtHR?
- Can the Commission indicate clearly what impact the abovementioned judgment will have on the functioning of the 'Dublin II' Regulation, bearing in mind that, in the light of the judgment, currently any expulsion by Member States to Greece will constitute a breach of the European Convention on Human Rights and Fundamental Freedoms?
- Does the Commission concur with the opinion that the ECtHR judgment shows that the 'Dublin II' Regulation is dysfunctional? If not, can the Commission clearly enunciate if it deems that the 'Dublin II' Regulation is functioning according to its purpose?
- Given the fact that the aforementioned judgment de facto bars Member States from expelling asylum seekers to Greece, can the Commission indicate which procedure, e.g. 'the sovereignty clause', the Member States should follow?
- Can the Commission clearly state if it considers that the 'Dublin II' Regulation fully reflects the principle of solidarity among Member States, as promulgated in Article 67 (2) TFEU? If so, does the Commission then consider that the current 'system of allocation' is therefore fully in line with this principle and does not require any change? If not, how does the Commission intend to implement this principle into the common European asylum system?

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