

**Question for oral answer O-000026/2011
to the Council**

Rule 115

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on behalf of the S&D 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) ruled that returning asylum-seekers to Greece under the Dublin Regulation violates the European Convention on Human Rights (ECHR) by exposing them to inhuman and degrading treatment (in violation of Article 3 of the ECHR) and depriving them of the right to an effective remedy (Article 13 of the ECHR).

1. Does the Council agree that the ECtHR judgment demonstrates that the Dublin regulation not only falsely presumes that national asylum systems are similar within the EU, but also paradoxically places heavy burdens on border states such as Greece where, despite important efforts undertaken by the new Government to reform its asylum system, most people in need of protection do not even have the opportunity to have their asylum claims heard, face extremely harsh detention and/or living conditions and the few who manage to apply for asylum have practically no chance of being recognised as a refugee?
2. Can the Council clearly stipulate that following the ECtHR judgment and before a proper asylum system is in place in Greece, Member States should exercise the 'sovereignty clause' (Article 3(2) of the Dublin II Regulation), according to which a Member State may always decide to examine an asylum application, even if it is not responsible according to the criteria of the Regulation?
3. Does the Council agree that any revision of the Dublin II system should be consistent with the rights of asylum-seekers and refugees and include important procedural safeguards, as clearly indicated in the ECtHR judgment? Can the Council indicate precisely which modifications the ECtHR judgment entails regarding the recast of the Dublin regulation, especially on personal interview, effective remedy and the concept of vulnerability inherent in the situation of asylum-seekers?
4. Taking into account the above-mentioned judgment, can the Council commit itself to promoting a fair European asylum system which ensures respect for the rights of asylum-seekers and refugees in good faith, including respect for the principles at the core of the international protection system, namely humanitarianism and responsibility-sharing?

Tabled: 3.2.2011

Forwarded: 4.2.2011

Deadline for reply: 25.2.2011