

EN

P-005159/2021

Answer given by Mr Reynders
on behalf of the European Commission
(19.1.2022)

As affirmed in its replies to written questions P-005656/2020 and E-001537/2020, the Commission is concerned about the pressure currently experienced by non-governmental organisations (NGOs) across the Union. NGOs contribute significantly to upholding the EU values and fundamental rights. This is particularly evident in the area of migration and asylum. It is important that this work continues.

Directives 2013/32/EU and 2013/33/EU focus on applicants for international protection; Directive 2008/115/EC sets out standards and procedures for returning illegally staying third country nationals¹. The Commission has no information or facts leading to the conclusion that legal assistance to persons subject to return is considered unlawful by the Greek authorities. While the Greek legislation² correctly transposes the provisions of Directive 2008/115/EC on free legal assistance, representation and linguistic assistance, in the context of the Schengen evaluations of Greece in the area of return conducted in 2016 and 2021, the Council recommended that Greece provides systematically third-country nationals subject to return procedures with effective access to such assistance³.

The Commission is working closely with Greece to ensure the correct implementation of this recommendation, including in the context of the Schengen evaluation carried out in 2021 and will not hesitate to launch, if appropriate, infringement proceedings.

The Commission follows closely migration and asylum developments in Greece including with regard to NGOs' activities. Following the adoption of Greece's legislation on NGOs⁴, the Commission will continue to monitor the implementation of legislation and its compatibility with the EU law, including the Charter of Fundamental Rights of the European Union.

¹ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60; Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, 29.6.2013, p. 96; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

² Articles 28(3) and (4) of Law 3907/2011 on the establishment of the Asylum Service and the First Reception Service, adaptation of Greek legislation to the provisions of the Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals and other provisions, OJ 7A, 26.01.2011.

³ Council documents 8466/17 and 13662/21.

⁴ Joint Ministerial Decision 10616/2020 in particular.