

**Priority question for written answer P-002485/2023
to the Commission**

Rule 138

Witold Jan Waszczykowski (ECR)

Subject: Taking Ukrainians into account in the context of the planned migrant relocation quotas – supplementary question

Further to the answer given by Commissioner Ylva Johansson on behalf of the Commission (P-001895/2023), I would like to ask:

1. With regard to the following part of the Commissioner's reply:

'The Commission does not take the view that the content of the general approach of 8 June 2023 on the asylum and migration management Regulation gives rise to legal concerns along the lines set out in the question by the Honourable Member.'

Is the Commission aware of Article 79(5) of the Treaty on the Functioning of the European Union, which reads: 'This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed'?

2. Does the Commission see an internal contradiction in her answer between the following points?

(a) 'The Council general approach of 8 June 2023 does not include a penalty for Member States not contributing to solidarity through relocation.'

(b) 'The choice is left to Member States to contribute through relocation or other means, in particular through financial contributions. (...) Member States will have to contribute in accordance with the mandatory fair share.'

Finally, I would point out that 'other means' are tantamount to financial penalties.

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