



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Directorate C: Migration, Protection and Visa
Unit C.4 : Migration management support

Brussels
HOME.C.4/

Dear Mr O'Keefe,

Thank you for e-mail to the Commissioner for Migration, Ms Ylva Johansson.

The Commission is aware of the Search and Rescue (SAR) incident of 28 October that you are referring to, as well as of the information provided by civil society organisations and NGOs on the matter. According to the information available to the Commission, the persons on board this vessel were disembarked on the island of Kos, in order to go through the necessary reception and identification procedures and to be able to apply for international protection.

The Commission would like to point out that Member States are competent to decide which vessels can enter a country's territorial waters, as well as to coordinate SAR events and indicate places for disembarkation.

The Commission oversees the transposition and implementation of the EU acquis on asylum and returns, and reiterates that Member States must act in full compliance with relevant international and EU law, including the Charter of Fundamental Rights.

The Commission has consistently expressed its strong concern about allegations of mistreatment of migrants or pushbacks at the EU's borders, and underlined the importance of access to fundamental rights, such as the right to access the asylum procedure. EU law provides that border guards must fully respect human dignity and fundamental rights.

The Commission is in close contact with the relevant Greek authorities on alleged pushbacks and expects them to thoroughly investigate all the claims made and to take all necessary follow-up action. The Commission has received assurances by the authorities for the strengthening of their monitoring to ensure respect for fundamental rights at the external borders.

The establishment of a monitoring mechanism to help prevent and follow-up on fundamental rights violations at Member States' borders will be a significant step towards one of the key objectives of the New Pact on Migration and Asylum. An independent monitoring mechanism that can ensure respect for fundamental rights will become an essential pillar of border control activities.

Yours sincerely,

Nacira BOULEHOUAT

Head of Unit

(e-signed)