ENE-005517/2020Answer given by Ms Johanssonon behalf of the European Commission(29.1.2021)

The Commission is aware that several non-governmental organisations (NGO) are under investigation in Greece, including for allegations of facilitation of irregular entry. The judicial process falls within the exclusive competence of Member States.

In the context of the New Pact on Migration and Asylum[[1]](#footnote-2), the Commission has issued a recommendation[[2]](#footnote-3) that invites Member States to distinguish between activities carried out for the purpose of humanitarian assistance and activities that aim to facilitate irregular entry or transit, in order to exclude the former from criminalisation. A further proposal would require Member States to set up an independent mechanism to monitor compliance with the principle of non-refoulement in line with the EU Charter of Fundamental Rights. The Fundamental Rights Agency will propose guidelines to this end and the European Asylum Support Office and the European Border and Coast Guard Agency would support the mechanism.

In its first annual Rule of Law Report, published on 30 September 2020, the Commission notes that the recently introduced additional requirements for the registration of NGOs active in the area of asylum, migration and social inclusion in Greece[[3]](#footnote-4) have been subject to criticism from a number of stakeholders and that concerns have been expressed that the ‘civic space’ for civil society to operate in Greece has narrowed since 2019. The Commission will continue to monitor the situation.

1. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609&qid=1607426365312 [↑](#footnote-ref-2)
2. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC1001%2801%29&qid=1607426530548> [↑](#footnote-ref-3)
3. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020SC0307> in particular p.1 and p. 12. [↑](#footnote-ref-4)