

(English version)

**Question for written answer E-001781/24
to the Commission
Tineke Strik (Verts/ALE), Raquel García Hermida-Van Der Walle (Renew), Anna Strolenberg (Verts/ALE)
(23 September 2024)**

Subject: Request by the Netherlands Government for an opt-out from EU asylum and migration rules

On 18 September, the Netherlands Government submitted a request to the Commission for an opt-out from the EU's asylum and migration rules. That request came just months after EU countries, including the Netherlands, adopted the EU Pact on Migration and Asylum, which, after years of negotiations, provides for a new common approach to asylum and migration. Advance notice of the opt-out request had been given in the government coalition agreement in the Netherlands ⁽¹⁾, which also included other measures such as declaring an asylum crisis and suspending processing of asylum applications. In response to an earlier written question by former MEP Sophie in 't Veld ⁽²⁾, the Commission had already stated that, under EU rules, it was not possible to stop taking asylum decisions and that action to declare an asylum crisis had to comply with the requirements and procedures laid down in the EU Crisis Regulation.

1. Does the Commission agree that this opt-out request to the Commission is futile, given that a specific amendment to the Treaty is not currently under discussion?
2. In view of the above, what action will the Commission take instead to strictly monitor full compliance with the EU asylum and migration rules in the Netherlands, and will it bring infringement proceedings if the rules continue to be violated?

Submitted: 23.9.2024

**Answer given by Mr Brunner on behalf of the European Commission
(7 January 2025)**

For Member States to opt-out from the Pact on Migration and Asylum ⁽¹⁾ or from the EU's asylum and migration rules in general, there needs to be an amendment to the EU Treaty.

Only Denmark and Ireland enjoy a particular status due to protocols to the Treaties. The Dutch government acknowledges this legal requirement and has informed the Commission that it would ask for an opt-out from EU law on asylum and migration in the event of a Treaty amendment.

Once adopted, EU law is binding on all Member States concerned and, following its entry into force, applicable according to the specific provisions contained in each legal act.

The core instruments of the Pact on Migration and Asylum were adopted in May 2024. These instruments are binding on the Netherlands and the Netherlands has expressed its commitment to ensure a swift implementation of the Pact.

The Commission will monitor the national implementation plans and will support Member States, including by helping to identify gaps and operational steps to address them.

The Commission is in constant dialogue with the Member States on both the current *acquis* and the Pact. As the guardian of the Treaties, the Commission monitors the correct application and implementation of EU law, and stands ready to initiate appropriate procedures where deemed necessary and justified, including infringement procedures.

¹ <https://www.kabinetsformatie2023.nl/documenten/publicaties/2024/05/16/hoofdlijnenakkoord-tussen-de-fracties-van-pvv-vvd-nsc-en-bbb>

² Written Question E-001306/2024(ASW): https://www.europarl.europa.eu/doceo/document/E-9-2024-001306-ASW_EN.html

⁽¹⁾ <https://eur-lex.europa.eu/oj/daily-view/L-series/default.html?&ojDate=22052024>