

(English version)

**Question for written answer E-001796/24
to the Commission
Konstantinos Arvanitis (The Left)
(24 September 2024)**

Subject: Germany: travel document control measures and (non-)enforcement of the Pact on Migration and Asylum

Very recently, Germany implemented new measures, in principle for six months, for control of travel documents along its land borders, including the borders with Schengen countries (France, Belgium, the Netherlands, Luxembourg, Denmark).

In addition, according to official statements, the German Government is planning, in the near future, to step up asylum rejections, urgent returns to the EU countries of first entry, and deportations to third countries.

The implementation of such practices amounts to:

- a) de facto suspension of the Schengen rules on the pretext of exceptional circumstances, although there is no emergency situation and, quite obviously, in terms of migration flows, there has been no recent change in international developments that would raise the issue of *force majeure* or emergency circumstances;
- b) direct political and practical undermining of the very recent new Union rules on migration and asylum which, as stated by the Commission itself, constitute a ‘comprehensive approach that aims at strengthening and integrating key Union policies on migration, asylum, border management and integration’ and ‘allow the EU to address complex issues in a decisive and resourceful manner’ ⁽¹⁾;
- c) unacceptable indifference and lack of solidarity towards the Member States of first reception, particularly Greece.

In the light of this,

1. Do the above measures lie within the bounds of Union legality and cohesion?
2. Do the ‘decisiveness’ and ‘resourcefulness’ of the new pact give Member States, in effect, the power to dissolve it?

Submitted: 24.9.2024

**Answer given by Ms Johansson on behalf of the European Commission
(15 November 2024)**

1. The Schengen Borders Code ⁽¹⁾ allows Member States to reintroduce control at the internal borders as a temporary measure of last resort to address serious threats to public policy or national security. However, any Member State reintroducing such control remains bound by the EU asylum and return *acquis*, which includes rules on the allocation of responsibility under the Dublin Regulation ⁽²⁾ and rules on return to third countries under the Return Directive ⁽³⁾.

2. The Pact on Migration and Asylum will become applicable in 2026. The cooperation of Member States and the correct implementation of the Pact are key for the realisation of the comprehensive and common approach envisioned within the Pact for the management of migration and asylum, particularly in relation to the introduction of a fair and effective system of solidarity and responsibility under the Asylum and Migration Management Regulation ⁽⁴⁾.

The monitoring activities foreseen in the Pact will allow for the detection of any incorrect or partial application of the legal and operational framework to ensure the timely implementation of any necessary remedial action ⁽⁵⁾.

Besides, as guardian of the Treaties, the Commission stands ready to initiate appropriate procedures, where deemed necessary and justified, including infringement procedures.

¹ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_el?prefLang=el

⁽¹⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders; OJ L 77, p. 1-52.

⁽²⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast); OJ L 180, p. 31-59.

⁽³⁾ 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, p. 98-107.

⁽⁴⁾ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013; OJ L, 2024/1351.

⁽⁵⁾ Currently, only Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147, OJ L, 2024/1350, is in force.