



Deutscher**Anwalt**Verein

Press Releases

The rule of law in the EU cannot be suspended

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Berlin/Brussels (DAV). Greece's announcement that it will no longer register any new asylum applications for one month is a cause for great concern. The German Bar Association (Deutscher Anwaltverein, DAV) urges that asylum procedures and access to justice need to be maintained. The Greek government's approach manifests a failure of the entire EU, as in this situation it cannot be in the sole responsibility of Greece to guarantee procedures respecting the rule of law.

"The situation at the Turkey-EU border is a major pan-European challenge," says **Thomas Oberhäuser, chairman of the DAV section on migration law.** This behaviour is contrary to European Union law and cannot be justified.

On Sunday, the Greek government had announced that it would suspend the acceptance of new asylum applications for one month in view of the growing number of refugees waiting at the Turkish-Greek borders. *"Ensuring the respect for the rule of law in procedures is a core task of the European Union and its Member States. The EU is an area of freedom, security and justice and must demonstrate this especially in emergency situations,"* says **Oberhäuser.**

"The Dublin Regulation expressly opposes the suspension of the right of asylum. This applies in particular to cases in which persons seeking protection are deported directly to their home country without being registered and without the possibility of filing an asylum application," says **DAV European law expert Ulrich Karpenstein.** According to the Dublin III Regulation, Member States must examine every application for international protection lodged by a third country national or stateless person on the territory of a Member State, including borders or transit zones.

Karpenstein explains why the Greek government was wrong when it invoked the emergency competence in the event of a sudden influx of third-country nationals: *"The primacy of European Union Law rules out the possibility of a Member State acting alone and 'suspending' Union law".* The European Court of Justice has already ruled in 2017 that the arrival of an exceptionally high number of persons seeking protection cannot, in principle, affect the application of the Dublin III Regulation. **Karpenstein** emphasises: *"What we need now is European action based on solidarity, with the European Union jointly standing up for the guarantee of the Charter of Fundamental Rights and the European asylum law system".*

For several years now, the European legal profession has been attempting to address the lack of proceedings respecting the rule of law with the project European Lawyers in Lesvos (ELIL). In view of the current situation at the Greek borders and on the Greek islands, the DAV calls on the European Union for pan-European action preserving the core of its identity, the rule of law.

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