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Honourable Members,

I refer to your letter of 15 July 2021 in which you call on the Commission to take immediate action against the pushbacks and human rights violations reported by ARD, Lighthouse Reports, SRF, Spiegel and Novosti.

I continue to be very concerned about the reports of pushbacks and mistreatment on Croatia's borders. The Croatian authorities have committed to investigate reports of mistreatment at their external borders. I expect the Croatian authorities to investigate any allegations, with a view to establishing the facts and properly following up any wrongdoing.

Against that background, I welcome the entry into force, on 8 June 2021, of the agreement on the establishment of the Independent Monitoring Mechanism between the Croatian authorities and Croatian stakeholders such as the Association of Croatian Academy of Medical Sciences, the Association of Croatian Academy of Legal Sciences, the Association of Centre for Cultural Dialogue, the Association of Croatian Red Cross and Prof. Goldner Lang from the Faculty of Law of the University of Zagreb. These stakeholders are to be the providers of independent monitoring mechanism activities and appoint two representatives each who directly conduct the Independent Monitoring Mechanism activities at border crossing points with Bosnia and Herzegovina, Montenegro and the Republic of Serbia, police stations and police administrations of the Republic of Croatia, as well as one representative each for participation in the Coordination Board, whose task is to give expert advice, manage the Independent Monitoring Mechanism activities, and draft its final report.

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The monitoring includes observing the actions of police officers, conducting announced visits to the green border and gaining insight into the files of closed cases regarding complaints of alleged illegal treatment of irregular migrants and applicants for international protection. The Coordination Board is to oversee the Independent Monitoring Mechanism and draft its final reports. While the entry into force of this mechanism is a significant step forward in identifying and following up the reports of repeated allegations of violent and abusive behaviour at the external border, swift operationalisation is now key to make it fully effective.

My services will continue their dialogue with the Croatian authorities in order to make sure that the Mechanism, and its providers, quickly undertake their activities thereby fulfilling the objective of ensuring the transparency of investigations and the full respect of fundamental rights.

The Commission will also be part of the Advisory Board set up under the mechanism, which is of a more informal nature, together with international organisations and EU agencies – such as Frontex, the Fundamental Rights Agency, EASO, UNHCR, IOM – tasked together with the Ombudsman, the Ombudsman for Children and the State Attorney's Office of the Republic of Croatia to regularly review the outcome of the monitoring visits and provide appropriate recommendations to the Ministry of Interior.

At the same time, let me reiterate that the Commission's aim has always been, and remains, the establishment of a fully independent border monitoring mechanism in Croatia, to be run by the Croatian authorities themselves who are ultimately responsible for ensuring compliance with EU and international law. For that reason, Croatian authorities should decide which organisations and civil society representatives it wishes to include as monitors, as well as the scope of the monitoring.

As regards Croatia's Schengen accession, the Commission confirmed in October 2019 that Croatia had taken the measures needed to ensure that the conditions for the application of the Schengen *acquis* are met. This was reconfirmed following an additional visit to Croatia's external borders in November 2020. I continue to support Croatia's swift accession to Schengen.

Let me reiterate that completing the Schengen area by allowing those EU Member States that are not yet fully part of the area without controls at internal borders to join will increase security for the EU as a whole while also fulfilling these countries' legitimate expectation and legal obligation to join Schengen. It will equally contribute to reinforcing mutual trust. It is now up to the Council to take the necessary steps for Bulgaria, Romania and Croatia to fully become part of Schengen.

As regards funding, in order to support the Independent Monitoring Mechanism, in June 2021 the Commission signed a grant agreement with the Croatian Ministry of Interior amounting to EUR 14.4 million in the framework of the emergency assistance under the Internal Security Fund Borders and Visa, in addition to the long-term funding allocated to Croatia under its National Programme for 2014-2020 and its new Borders Management and Visa Instrument Programme for 2021-2027 that is currently in the programming phase. The project financed by this grant agreement aims at strengthening the border control and will last until May 2022.

Yours sincerely,



Ylva Johansson

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