ENE-000894/2021Answer given by Ms Johanssonon behalf of the European Commission
(20.5.2021)

1. The Commission informs the Honourable Members that it has requested from the Hungarian authorities information on the measures they have taken or will take to ensure compliance with the judgment of the Court of Justice of the EU of 17 December 2020. The Hungarian authorities have replied and the reply is being analysed. If the reply does not prove satisfactory, the Treaty empowers the Commission to initiate the procedure of Article 260(2) of the Treaty on the Functioning of the European Union.

2. The Commission is fully committed to applying Regulation (EU, Euratom) 2020/2092[[1]](#footnote-2) as from 1 January 2021. The Regulation provides for a specific tool to adopt measures to protect the Union’s budget when breaches of the principles of the rule of law affect or seriously risk affecting the Union budget and its financial interests after that date. Pursuant to the Regulation, the Commission can only propose measures if no other procedures set out in Union legislation would allow it to protect the budget more effectively. The Commission will assess the information provided and other relevant information to determine whether the conditions for the application of the Regulation are fulfilled.

3. The Commission is not aware of any fact suggesting that operational support provided by the European Border and Coast Guard Agency (Frontex) to border management activities in Hungary constituted a violation of fundamental rights. The Agency’s Executive Director has suspended operational support provided to Hungary, on the basis of Article 46(4) of Regulation (EU) 2019/1896[[2]](#footnote-3). The Working Group that the Honourable Members refer to was established by the Management Board of Frontex and carries out the tasks assigned to it by the Board.

1. Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, OJ L 433I, 22.12.2020. [↑](#footnote-ref-2)
2. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, OJ L 295, 14.11.2019. [↑](#footnote-ref-3)