Question for written answer E-000894/2021

to the Commission

Rule 138

Monika Vana (Verts/ALE), Gwendoline Delbos-Corfield (Verts/ALE), Saskia Bricmont (Verts/ALE), Damien Carême (Verts/ALE), Tineke Strik (Verts/ALE), Erik Marquardt (Verts/ALE), Malin Björk (The Left), Ramona Strugariu (Renew), Bettina Vollath (S&D)

Subject: Non-implementation of CJEU ruling C-808/18 by Hungary and Frontex’s involvement in pushbacks at the Hungarian border

On 17 December 2020, the Court of Justice of the European Union (CJEU) ruled in case C-808/18 that the 2016 Hungarian legislation on pushbacks of migrants and asylum seekers breaches EU law. Since then, according to the Hungarian police, more than 4 400 pushbacks have taken place at the borders with Croatia and Serbia, demonstrating that the government has not implemented the CJEU judgment.

1. Does the Commission believe that Hungary has taken the necessary measures to comply with the judgment, following the exchange of letters in January 2021? If not, when would the Commission trigger the procedure enshrined in Article 260(2) of the Treaty on the Functioning of the European Union?

2. Given that Hungary receives EU financial support for border management, would the Commission consider using the powers enshrined in Regulation (EU, Euratom) 2020/2092?

3. Does the Commission consider that the operational support provided by Frontex to border management activities in Hungary constituted a violation of Frontex’s fundamental rights obligations stemming from Regulation (EU) 2019/1896 and the EU Charter of Fundamental Rights? If so, does it intend to further evaluate those activities within the remit of the Management Board Working Group on Fundamental Rights and Legal and Operational Aspects of Operations?