(English version)

Question for written answer E-001595/24
to the Commission
Eero Heinäluoma (S&D)
(2 September 2024)

Subject: Rule of law in Hungary

On 24 July 2024, the Commission published its fifth annual rule of law report, examining rule of law developments in all Member States. In its report, the Commission concluded that Hungary had made no progress in implementing any of the seven recommendations laid down in its report of the previous year.

However, in December 2023, the Commission considered that Hungary had taken sufficient action to enforce reforms on judicial independence, thereby unlocking around EUR 10.2 billion of previously frozen funds for the country.

In view of the above:

1. How does the Commission reconcile its findings in its 2024 rule of law report, on the one hand, and its rationale for its decision in December 2023, on the other?

2. What measures will it take to ensure that ‘respect for the rule of law is a must for EU funds’, as outlined in the political guidelines for the next Commission?

Submitted: 2.9.2024

Answer given by Mr Reynders on behalf of the European Commission
(22 October 2024)

In May 2023, Hungary adopted legislation which significantly strengthened judicial independence. This reform fully implemented the relevant recommendations set out in the 2022 Rule of Law Report, as confirmed in the 2023 Report, a conclusion maintained by the 2024 Report.

The Commission’s analysis of compliance with the Charter of Fundamental Rights of the European Union horizontal enabling condition was carried out under the rules of the Common Provisions Regulations (CPR).

Since Hungary submitted compelling evidence that the relevant issues concerning judicial independence were addressed, the Commission adopted its decision within the deadline foreseen in the CPR.

The issues covered in this process are different from those covered by the recommendations set out in the 2024 Rule of Law Report.

The Commission is closely and continuously monitoring the application of the measures put in place by Hungary. If, at any point in time, the Commission considers that this horizontal enabling condition is no longer fulfilled, expenditure for programmes and specific objectives impacted by the non-fulfilment will again no longer be reimbursed.

The President of the Commission’s political guidelines clearly state that the respect of the rule of law is — and will be — a must for EU funds.

The mandate for the Commissioners-designate include clear tasks in this respect, such as ensuring that EU funding also be dedicated to national measures, for example on fighting corruption, and to protecting the EU financial interests and building a closer link between the recommendations in the Rule of Law Report and financial support under the EU budget.

The future long-term budget proposal will include strong safeguards on the rule of law — including the general regime of conditionality, applying to all EU funds.