

EN
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Answer given by Mr Brunner
on behalf of the European Commission
(31.3.2026)

The amount of the lump sum and daily penalties for Hungary's continued failure to comply with an earlier judgment in Case C-808/18¹ was fixed by the Court of Justice of the European Union in its judgment in Case C-123/22, *Commission v Hungary*². The Commission continues to enforce the recovery of penalties ordered by the Court by means of offsetting funds allocated to Hungary from the EU budget.

The general regime of conditionality³ has been designed to protect the EU budget, both in its revenue and expenditure sides, from breaches of the principles of the rule of law in the Member States that affect or seriously risk affecting the sound financial management of the EU budget or the protection of the financial interests of the EU in a sufficiently direct way. The Council, on a proposal by the Commission, in December 2022⁴ adopted measures to protect the EU budget from breaches of the principles of the rule of law in Hungary. These measures are still in place, as Hungary did not adopt adequate remedies. The Commission keeps monitoring the situation in all the Member States. Under the Conditionality Regulation, lack of implementation of judgments is a situation that is indicative of breaches of the principles of the rule of law. For a procedure to start, any such situation must concern the EU budget in a sufficiently direct way and there would be no other procedure under EU law that would allow to protect the EU budget more effectively.

¹ https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%22C-808%2F18%22&publishedId=C-808%2F18.

² https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=%22C-123%2F22%22&publishedId=C-123%2F22.

³ Conditionality Regulation, OJ L 433I, 22.12.2020, pp. 1–10, ELI: <https://eur-lex.europa.eu/eli/reg/2020/2092/oj>.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022D2506>.