

EN

P-000881/2021

Answer given by Ms Johansson
on behalf of the European Commission
(27.4.2021)

Union law currently does not provide for a monitoring mechanism as described in the Honourable Members' question. In its proposal for a Screening Regulation (COM(2020)612), the Commission included an obligation to establish an independent monitoring mechanism in each Member State to ensure compliance with fundamental rights in relation to the screening of third country nationals at the external borders. Independently of this proposal, Member States can at any time set up or allow for independent monitoring mechanisms under national law, and the Commission is supporting such initiatives.

The Commission has requested from the Hungarian authorities information on the measures they have taken to ensure compliance with the judgment of the Court of Justice of 17 December 2020 in case C-808/18. The Hungarian authorities replied on 26 February 2021 and the Commission is currently analysing the reply. If the reply does not establish that the necessary measures have been taken, the Commission will not hesitate to resort to the procedure laid down in Article 260(2) of the Treaty on the Functioning of the European Union.