

**Priority question for written answer P-001323/2023
to the Commission**

Rule 138

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Subject: Persistent serious fundamental rights violations by Hungary's border management practices – legal implications for joint border patrol missions

Numerous judgments by the Court of Justice of the European Union have confirmed that Hungary's legislation on asylum and returns continues to violate EU law¹. To this day, Hungary has failed to rectify the situation, prompting the Commission to impose financial sanctions and Frontex to suspend all operations in Hungary². This raises urgent questions regarding the legal implications of other Member States' involvement in joint border management operations in Hungary.

1. What is the Commission's legal opinion on an EU Member State deploying police officers to another EU Member State in order to contribute to border management procedures found to contravene EU law?
2. How does the Commission assess the specific example of the participation of Austrian police officers in the Hungarian-led mission Operation Fox³ at the Hungarian-Austrian border and in a mission at the Hungarian-Serbian border⁴, in the light of the Court of Justice's judgments on Hungarian legislation and the substantial evidence of systematic fundamental rights violations?
3. What safeguards has the Commission established to ensure that Member States cannot misuse legislative frameworks such as the Prüm decision⁵?

Submitted: 21.4.2023

¹ See, for instance, the judgment of 17 December 2020, C-808/18, EU:C:2020:1029 and the judgment of 16 November 2021, C-821/19, EU:C:2021:930.

² Frontex, The Fundamental Rights Officer – Annual Report 2021, https://frontex.europa.eu/assets/Images_News/2022/FRO_Report_2021.pdf, p. 11.

³ <https://www.bmi.gv.at/news.aspx?id=317253646666635A3344453D>.

⁴ <https://www.bmi.gv.at/news.aspx?id=5168486F2B6237795270383D>.

⁵ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 1.