



Migration: Commission steps up infringement against Hungary concerning its asylum law

Brussels, 7 December 2017

The European Commission has today decided to move forward on the infringement procedure against Hungary concerning its asylum legislation by sending a reasoned opinion.

The Commission initiated the infringement procedure against Hungary in [December 2015](#). Following a series of exchanges both at political and technical level with the Hungarian authorities and the concerns raised by the amendments to the Hungarian asylum law introduced in March this year, the Commission decided to send a complementary letter of formal notice on [17 May](#) 2017.

Following the analysis of the reply provided by the Hungarian authorities, and in view of the new legislation adopted by the Hungarian Parliament in October, the Commission will no longer pursue four out of the eleven issues identified in the complementary letter of formal notice. The reply provided by the Hungarian authorities, however, was still found to be unsatisfactory as it failed to address the majority of the concerns. The Commission still considers that the Hungarian legislation does not comply with EU law, in particular [Directive 2013/32/EU](#) on Asylum Procedures, [Directive 2008/115/EC](#) on Return, [Directive 2013/33/EU](#) on Reception Conditions and several provisions of the Charter of Fundamental Rights.

Next Steps

A reasoned opinion is the second step in the infringement procedure and consists of a formal request to comply with EU law, calling on the Member State(s) concerned to inform the Commission of the measures taken to comply within a specified period. Hungary now has **two months** to respond to the reasoned opinion. If no reply is received, or if the observations presented in the reply are not satisfactory, the Commission may decide to move to the next stage of the infringement procedure, and refer the case to the Court of Justice of the EU.

Background

The recast **Asylum Procedures Directive** ([Directive 2013/32/EU](#)) establishes rules on the process of claiming asylum, including on how to apply, how the application will be examined, what help the asylum seeker will be given, how to appeal and how to deal with repeated applications. It applies to all applications for international protection made on the territory of Member States, including at the border, in territorial waters and in transit zones.

The recast **Reception Conditions Directive** ([Directive 2013/33/EU](#)) aims to guarantee a dignified standard of living for asylum seekers in the EU and ensure their human rights are respected. It ensures that asylum seekers have access to housing, food, clothing, health care, education for minors and access to employment under certain conditions. It contains rules on vulnerable asylum seekers and on detention.

The **Return Directive** ([Directive 2008/115/EC](#)) establishes common standards and procedures for EU countries, whereby illegally staying non-EU nationals may be removed from their territories. It lays down provisions for terminating illegal stays, detaining non-EU nationals with the aim of removing them and procedural safeguards

For More Information

- Monitoring of the EU law in the area of [Home Affairs](#).
- On the key decisions in the December 2017 infringements package, see full [MEMO/17/4767](#).
- On the general infringements procedure, see [MEMO/12/12\(an info graph\)](#).
- On the [EU infringements procedure](#).

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