




The Director-General

Brussels, 23. 12. 2016
HOME/C.2/SM (2016)

Mr Fabrice Leggeri
Executive Director
Frontex Agency
Plac Europejski 6
PL - 00-844 Warsaw

Subject: Situation at Hungary's southern border

Dear Mr. Leggeri, 

Thank you very much for your letter of 14 November 2016 regarding the situation at the Hungarian land border with Serbia, information about new allegations of fundamental rights breaches and the possible negative impact for the reputation of the European Border and Coast Guard Agency.

I have also taken good note of the Recommendation by the Consultative Forum of 10 November 2016 and share your concerns. The European Commission is following the situation in Hungary very closely, in particular with a view to assessing the compatibility of Hungarian law and practice with the EU Acquis in the field of asylum and return policies, detention, border management and fundamental rights. After recent fact finding missions to Hungary, the Commission has concerns and will request further information from the Hungarian authorities related in particular to the possibility to access the asylum procedure, the use of detention, reception conditions, as well as concerning allegations about alleged misuse of force by the authorities, and about civilian vigilante groups being involved in border surveillance.

In your letter you also asked for the outcome of the mission on 18 and 19 October 2016. The main findings of this mission should have no direct implication on the operational activities carried out by Frontex in Hungary, as they are mainly related to access to asylum due to the limited daily capacity at the transit zone and to the way the reception facilities are organised, including the shift to the use of temporary facilities (mobile units and tents), as well as to the use of detention for asylum applicants.

As for the alleged abuses in border management when applying the new law on escorting migrants back to the border if found within 8 kilometres zone , the Commission's mission did not find evidence of any such systematic practices. The Commission does, however, intend to seek further information from the Hungarian authorities regarding how the allegations of misuse of force were investigated. During the visit the Commission delegation also met with the Frontex Coordinating Officer and observed the Hungarian-Serbian border line where guest officers deployed by Frontex and border guards of the so called 'Visegrad' countries (CZ, PL, SK) work in parallel.

Despite these ongoing concerns about aspects of the way in which Hungary is carrying out its border control obligations, I strongly believe that Frontex should continue with its operations in Hungary. Due to their presence, guest officers and Frontex staff can actively contribute to the improvement of the situation, in particular related to any possible risk of a misuse of force against irregular migrants, as well as in providing an objective and reliable source of information on all the circumstances on the ground and possible future incidents. The deployment of Frontex shows solidarity and commitment of the European Union to further support Hungary in protecting our common Schengen border also in the future. In this context, I would also suggest that the Fundamental Rights Officer pays special attention to the implementation of those joint operations and that any serious incidents reported to the Agency and/or complaints submitted to Frontex be followed up under the newly established complaints mechanism, thereby monitoring and ensuring the respect for fundamental rights in all activities carried out with the Agency's support.

Since there are reports of incidents in Bulgaria too, I would like to also invite Frontex to closely monitor the situation and inform the Commission of its observations.

I would also invite you to provide the Commission with available information on the deployment of border guards of 'Visegrad' countries in Hungary in order to assess if their deployment is in line with the EU-legislation and in particular Article 8(2) of Regulation (EU) 2016/1624. For reasons of efficiency, better coordination and legal certainty, I also recommend to invite the Member States concerned to continue their support to Hungary under the umbrella of the Agency.

I firmly believe that our common approach will lead to further improvements in the situation in Hungary and look forward to your response.

Yours sincerely,



¹ www.hrw.org/news/2016/07/12/hungary-migrants-abused-border , <http://www.msf.org/en/article/serbia-sharp-increase-violence-against-migrants-border-closures-balkans>,
<https://www.amnesty.org/en/latest/campaigns/2016/09/Hungary-Stranded-Hopes/>