

Budapest, 21 February 2022

Marc Lemaître
Director-General
DG REGIO
European Commission
Brussels

Subject: Hungarian Partnership Agreement and EU rules

Dear Mr Lemaître,

First of all, I would like to express my thanks to your colleagues who have carefully studied our materials related to EU funding to Hungary, especially in relation to the draft Hungarian Partnership Agreement (PA) for the financial period 2021-2027, and devoted time for online meetings to discuss the topic with civil society organisations.

Our organisation, the Clean Air Action Group, has been working on the topic of EU funding for more than 20 years. Since 2018, this work has been carried out with the continuous support of the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU). Among others, we have made an assessment of the draft PA, the draft Environmental and Energy Efficiency Operational Programme and the draft Economic Development and Innovation Operational Programme. We have come to the conclusion that the content of all these documents contradicts the provisions of the relevant EU legislation.

Most importantly, Hungary does not fulfil the horizontal enabling conditions listed in Annex III of the Common Provisions Regulation. Among others, the provisions of the Charter of Fundamental Rights of the European Union are continuously and systematically violated: the freedom of expression is seriously limited, the freedom and pluralism of the media is not respected, the judicial system is only partly independent and impartial, and discrimination on political grounds is extremely widespread.

In Hungary, there is an enormous frustration due to the way EU money has been used. Many Hungarian experts are of the opinion that EU funding has caused more harm than good to Hungary.

In the framework of one of the projects funded by BMU, we made a survey, asking civil society experts from almost all EU Member States about their opinion on EU funding. The survey showed that there is enormous discontent about the current system of using EU money. Here I quote just from one of the responses: “If the Commission tolerates the breaching of the conditionalities then this sends a terrible message to EU citizens, namely, the message that the rule of law does not prevail in the EU, and those who violate laws and contracts can get away with their misdeeds. Such an attitude by the Commission undermines the foundations of the European Union.”

The recent decision of the European Court of Justice in which the ECJ found the Rule of Law Mechanism (Regulation (EU, Euratom) 2020/2092) completely in compliance with the Treaties and other EU laws and rejected the action of the Polish and Hungarian governments challenging the regulation, strongly put in the forefront of public interest the issue of the rule of law. According to previous remarks by Commissioners Věra Jourová, Didier Reynders and Johannes Hahn, the Mechanism might be implemented soon in the case of Hungary and Poland. We strongly believe, that in this context it is also essential to become undoubtedly convinced that the Hungarian Partnership Agreement and operational programs (OPs) are fully in compliance with the rule of law conditions, and proper guarantees are built into the PA and OPs to ensure that the rule of law requirements are entirely taken into consideration and fully respected. To come to this conclusion, we consider it necessary to closely scrutinize the PAs from this perspective in the framework of a careful and detailed rule of law analysis by the Commission.

For the above reasons, in our opinion, the Hungarian Partnership Agreement must not be accepted by the Commission in its present form and before completing the above-mentioned rule of law analysis. Moreover, if a new version of the Partnership Agreement will be prepared by the Hungarian government, it must be carried out with the involvement of civil society as required by Article 8 of the Common Provisions Regulation.

Please find a more detailed clarification of our arguments in the attached documents.

Yours sincerely,



András Lukács
President

Attachments:

- [Pro-European Hungarian experts about EU funding to Hungary](#)
- [Opinion on Hungary's draft Partnership Agreement concerning compliance with the horizontal enabling conditions](#)
- [Comments on the draft Hungarian Partnership Agreement on EU Funds from an environmental perspective](#)
- [The draft Hungarian Partnership Agreement seems to contradict EU rules](#)
- [Comments on the draft Hungarian Environmental and Energy Efficiency Operational Programme \(KEHOP Plusz\)](#)
- [Comments on the draft Hungarian Economic Development and Innovation Operational Programme \(GINOP Plusz\)](#)