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VICE-PRESIDENT OF THE EUROPEAN COMMISSION
JUSTICE, FUNDAMENTAL RIGHTS AND CITIZENSHIP

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Dear Mr Navracsics,

I need to bring to your urgent attention a number of legal issues that arise under new measures that the Hungarian authorities are currently taking under the new Hungarian Constitution.

As you know, earlier this year, the European Commission has been conducting a review of the new Hungarian Constitution in order to check that it is consistent with EU law, in particular the Charter of Fundamental Rights, and with the letter and spirit of the Treaties.

As we said at the time, a precise view on the interaction of the Constitution with EU law and its legal effects can only be fully evaluated by taking into account the implementing legislative, administrative and judicial practice based on it.

In this respect, certain aspects of the recent reform process raise serious concerns from an EU law perspective inter alia: the retirement age of judges, which appears to be on the way to be drastically reduced from 70 to 62 only to be raised again shortly afterwards and the independence of the Data Protection Supervisor.

As regards these matters, the Commission is faced with a series of complaints by Supreme Court judges of several Member States, Members of the European Parliament and non governmental organisations.

*Dr Tibor Navracsics
Vice-Prime Minister of the Republic of Hungary, Minister of Public Administration and Justice
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In order for the Commission to carry out a detailed assessment of the compatibility of the various measures with EU law, I should ask you to provide your observations on the questions indicated in the attached document.

Given the fact that the effect of these new rules will be felt from 1 January 2012, I would ask to receive your answer as a matter of urgency by 16 December 2011. I would also ask you to ensure, in the interest of legal certainty, that no measure is implemented until doubts about their compliance with EU law have been removed.

Yours sincerely

A handwritten signature in black ink, appearing to be 'V. Reding', with a long horizontal line extending to the right.

Viviane Reding