



## Hungary: Commission takes next step in the infringement procedure for non-provision of food in transit zones

Brussels, 10 October 2019

Today, the European Commission decided to address a reasoned opinion **to Hungary** concerning the non-provision of food to persons held in the Hungarian transit zones at the border with Serbia. This concerns persons whose applications for international protection have been rejected, and who are waiting to be returned to a third country.

In the Commission's view, compelling returnees to stay in the Hungarian transit zones amounts to *de facto* detention under the [EU's Return Directive](#). The Commission finds that failure to provide food in these circumstances does not respect obligations under Article 16 of the Return Directive and Article 4 of the Charter of Fundamental Rights of the European Union.

The Commission sent a letter of formal notice to Hungary on 26 July 2019. As the Hungarian Government's reply did not address the Commission's concerns, and given the urgency of the situation, the Commission decided to send a reasoned opinion with a deadline of 1 month for Hungary to respond. The Commission invites the Hungarian authorities to comply with the relevant EU rules within this timeframe. Otherwise, the Commission may decide to refer the case to the Court of Justice.

The European Court of Human Rights has already granted interim measures in several instances, obliging Hungary to provide food to persons detained in the transit zones. In [July 2018](#), the Commission referred Hungary to the Court of Justice in a case relating to the detention of asylum seekers in the Hungarian transit zones. The case is currently pending before the Court.

### For More Information

- On the key decisions in the October 2019 infringements package, see full [INF/19/5950](#).
- On the general infringements procedure, see [MEMO/12/12](#).
- On the [EU infringements procedure](#).

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#### Press contacts:

[Natasha BERTAUD](#) (+32 2 296 74 56)

[Tove ERNST](#) (+32 2 298 67 64)

[Ciará BOTTOMLEY](#) (+32 2 296 99 71 )

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)