



2024/2019(DEC)

13.2.2025

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2023, Section III – Commission, executive agencies and the ninth, tenth and eleventh European Development Funds
(2024/2019(DEC))

Rapporteur for opinion: Tomáš Zdechovský

PA_NonLegDec

OPINION

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following into its motion for a resolution:

1. Welcomes the progress in the implementation of Member States' national programmes in 2023; notes with concern that, despite the requirement to spend all funds for the programming period 2014-2020 by June 2024, 18% of AMIF funds and 25% of ISF funds allocated to Member States for that period remain undeclared;
2. Notes the Commission's proposal to increase the ceilings of Headings 4 and 6 as part of the Multiannual Financial Framework mid-term revision with a view to ensuring sufficient funding for the implementation of the New Pact on Migration and Asylum; stresses the need to ensure adequate and timely Union funding for Member States and Union agencies to facilitate the effective management of the EU's external borders, including measures to prevent irregular migration, while supporting the smooth implementation of Union law in the areas of asylum and migration, while ensuring compliance with fundamental rights; calls on the Commission to monitor, assist in and scrutinise the timely progress of the administrative, operational and legal steps required by Member States and Union agencies for the full implementation of the New Pact on Migration and Asylum by Summer 2026 in line with the deadlines set out by the Common Implementation Plan published by the European Commission on 12 June 2024;
3. Notes with concern that, according to the International Organization for Migration (IOM), at least 8,565 people lost their lives on migration routes worldwide in 2023, marking it as the deadliest year on record for migrants; further regrets that, despite this alarming toll, the number of migrants arriving irregularly in the Union continued to rise in 2023 compared to previous years; notes with concern the significant gap between the number of return decisions issued and the number of returns that are effectively implemented, stressing the need for a more effective return policy; further notes that the Commission must provide stronger efforts to assist Member States in addressing irregular border crossing and in successfully implementing returns of third-country nationals; calls on the Commission to assist Member States in addressing irregular arrivals, legal migration, and the integration of third-country nationals while enhancing the transparency and accountability of Union home affairs funds in third countries; recalls that the Commission should continue to take action on migration and asylum within the framework of external action, including the 'Team Europe' approach while safeguarding the role of Parliament; calls on the Commission to increase the transparency and accountability of the programming and implementation of the Union home affairs funds in third countries; renews its call on the Commission to support the Union agencies and the Member States in putting an end to the business of human smuggling and trafficking in the Mediterranean, so that migrants do not embark upon life-threatening sea journeys; calls on the Commission to reflect on new policies to address irregular migration in compliance of the principle of non-refoulement;
4. Takes note of the call made by Member States in the European Council Conclusions of

9 February 2023 for the mobilisation of EU funds and resources to assist Member States in strengthening border surveillance capabilities and infrastructure, as well as surveillance, to prevent unauthorised border crossing and to counter cross-border criminality, in compliance with the existing legal framework;

5. Acknowledges the Commission's continuous monitoring of rule of law benchmarks through the rule of law toolbox, including the annual rule of law report, while remaining concerned that, by adopting an overly diplomatic approach, failing to distinguish between individual and systemic issues, the annual rule of law report risks trivialising some of the most serious and/or persistent breaches of the rule of law; underlines the importance of basing assessments on specific and measurable indicators, including independent evidence of practical implementation, to ensure a more precise and qualitative evaluation of rule of law benchmark; supports linking financial instruments, including recovery funds, with compliance with super milestones and respect for rule of law principles, while calling on the Commission to adopt a more systematic, predictable, and transparent approach in freezing or unfreezing funds based on objective criteria; reiterates its regret and serious concern with respect to the lawfulness of the Commission's decision concluding that, in Hungary, the horizontal enabling condition of the Charter had been fulfilled in relation to judicial independence which decision enabled the Hungarian authorities to start claiming reimbursements of up to approximately EUR 10,2 billion from Union funds; urges the Commission to include, monitor and safeguard the DRF conditions in all budgetary instruments and processes, as well as to apply the Rule of Law Conditionality Regulation further and without delay where needed; calls on the Commission to take steps towards the full implementation – taking into account developments that have taken place in the meantime - of Parliament's recommendations on the establishment of an EU mechanism for democracy, the rule of law and fundamental rights, contained in its resolution of 25 October 2016¹, and to ensure that assessments of rule of law benchmarks are timebound and that findings in the report are connected to binding measure that are more precise and qualitative than is presently the case, relying not only on legislative changes, but also on real and independent evidence of their implementation in practice;
6. Reiterates its great concern over the delays in the Commission's procedures for granting access to documents; urges the Commission to take immediate and concrete steps in order to address these deficiencies promptly, in line with Parliament's recommendations, ensuring that access to documents is provided in a manner that is timely, efficient and transparent;
7. Continues to strongly regret the Commission's lack of enforcement measures and legislative follow-up to Parliament's recommendations regarding the use of Pegasus and equivalent spyware and the establishment of an EU mechanism on democracy, the rule of law and fundamental rights in the form of an inter-institutional agreement; calls urgently on the Commission to respect the principle of sincere cooperation between Union institutions and to follow-up on Parliament's recommendations accordingly; further calls on the Commission to present, without undue delay, an action plan to

¹ European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (2015/2254(INL)) (OJ C 215, 19.6.2018, p. 162).

prevent the abuse of spyware in the Union, making full use of all available legislative and non-legislative means provided by the Treaties.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur for the opinion declares under his exclusive responsibility that he did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

INFORMATION ON ADOPTION BY COMMITTEE ASKED FOR OPINION

Date adopted	6.2.2025
Result of final vote	+: 40 -: 14 0: 6
Members present for the final vote	Magdalena Adamowicz, Giuseppe Antoci, Jaume Asens Llodrà, Nikola Bartůšek, Krzysztof Brejza, Saskia Bricmont, Jaroslav Bžoch, Veronika Cifrová Ostrihoňová, Lena Düpont, Marieke Ehlers, Raquel García Hermida-Van Der Walle, Branko Grims, Evin Incir, Irena Joveva, Erik Kaliňák, Marina Kaljurand, Fabienne Keller, András László, Juan Fernando López Aguilar, Erik Marquardt, Michael McNamara, Birgit Sippel, Krzysztof Śmiszek, Petra Steger, Cecilia Strada, Georgiana Teodorescu, Milan Uhrík, Tom Vandendriessche, Charlie Weimers, Sophie Wilmès, Alessandro Zan, Javier Zarzalejos, Tomáš Zdechovský
Substitutes present for the final vote	Fredis Beleris, David Casa, Sigrid Friis, Markéta Gregorová, Hannah Neumann, Gaetano Pedulla', Sandro Ruotolo, Oliver Schenk, Alexander Sell, Bartłomiej Sienkiewicz, Malika Sorel, António Tânger Corrêa, Marco Tarquinio, Pekka Toveri, Loránt Vincze, Petar Volgin, Axel Voss, Michał Wawrykiewicz, Lucia Yar
Members under Rule 216(7) present for the final vote	Bart Groothuis, Rima Hassan, Anja Hazekamp, Pär Holmgren, Sérgio Humberto, Evelyn Regner, Carla Tavares, Ingeborg Ter Laak

FINAL VOTE BY ROLL CALL BY THE COMMITTEE ASKED FOR OPINION

40	+
ECR	Georgiana Teodorescu, Charlie Weimers
ESN	Alexander Sell, Milan Uhrík
PPE	Magdalena Adamowicz, Fredis Beleris, Krzysztof Brejza, David Casa, Lena Düpont, Branko Grims, Sérgio Humberto, Oliver Schenk, Bartłomiej Sienkiewicz, Ingeborg Ter Laak, Pekka Toveri, Loránt Vincze, Axel Voss, Michał Wawrykiewicz, Javier Zarzalejos, Tomáš Zdechovský
Renew	Veronika Cifrová Ostrihoňová, Sigrid Friis, Raquel García Hermida-Van Der Walle, Bart Groothuis, Irena Joveva, Fabienne Keller, Michael McNamara, Sophie Wilmès, Lucia Yar
S&D	Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Evelyn Regner, Sandro Ruotolo, Birgit Sippel, Krzysztof Śmiszek, Cecilia Strada, Marco Tarquinio, Carla Tavares, Alessandro Zan

14	-
ESN	Petar Volgin
NI	Erik Kaliňák
PfE	Nikola Bartůšek, Jaroslav Bžoch, Marieke Ehlers, András László, Malika Sorel, Petra Steger, António Tânger Corrêa, Tom Vandendriessche
The Left	Giuseppe Antoci, Rima Hassan, Anja Hazekamp, Gaetano Pedulla'

6	0
Verts/ALE	Jaume Asens Llodrà, Saskia Bricmont, Markéta Gregorová, Pär Holmgren, Erik Marquardt, Hannah Neumann

Key to symbols:

+ : in favour

- : against

0 : abstention