

Dear Madame Vice-President,

Your interview of 9 March 2013 in the Frankfurter Allgemeine Zeitung in which you attempt to establish a link between the Tobin case and the independence of the Hungarian judicial system cannot be left unanswered. However, since you chose not to reply to my official letters urging you to take action regarding the very same case, I take this opportunity to highlight certain points for your kind information in the form of an open letter.

In my view, it does not seem appropriate for a Commissioner entrusted with safeguarding fundamental rights to confuse the need for executing a sentence passed in 2002 regarding a negligent driver causing the death of two children with present day political debates about the independence of the Hungarian judiciary or to go as far as to imply that the refusal by the Irish authorities to surrender the perpetrator to Hungary – and thus letting him go unpunished – was in fact understandable. On the contrary, I would expect the Commissioner responsible for creating an area of Freedom, Security and Justice within the EU to enhance judicial cooperation between the Member States including the mutual recognition and consequent execution of judicial decisions.

I find it outrageous and absolutely unacceptable to bring the execution of a verdict in a specific case in correlation with the assessment of the independence of the judiciary in any way. Moreover, this direct link created by you, Madame Commissioner between the steps taken by Hungary – in your interpretation questioning the independence of the judiciary – and the decision of the Irish court undermines the values and mutual trust to be represented and safeguarded by the Commission. I am also wondering whether Irish courts and authorities would share your assessment of the case.

Even though we have had complex debates with the Commission of the European Union that sometimes required considerable flexibility on both sides, Hungary has managed to carry on a constructive dialogue with the Commission which it values as one of the most important institutions in Europe. Therefore I would like to ask you, Madame Commissioner as well, to follow this spirit and kindly refrain from making public statements that lack sufficient grounds as well as general benevolence.

Yours sincerely,

Tibor Navracsics