



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL AND URBAN POLICY

The Director-General

Brussels,
REGIO/E.3/GK/gfk/(2024)3205923

Subject: Reply to the letter concerning call EFOP-2.2.25-22 (Hungary)

Ref.: Letter from Validity Foundation of 21 December 2022 - Ares(2023)21639
Commission's reply of 21 March 2023 – Ares(2023)2027575
Letter from Validity Foundation of 25 January 2024 - Ares(2024)583028

Dear Mr Allen,

Thank you for your letter of 25 January 2024 providing us with a previously presented analysis about the call for proposals of the Human Resources Development OP (HRDOP) 'EFOP-2.2.25-22 - Developing transition to community-based services – Creation of supported housing, development of basic social services' (hereafter 'the call 2.2.25-22').

In this letter, similarly to your previous letter of 21 December 2022, you claim that the call 2.2.25-22 does not meet Hungary's obligations under Article 19 of the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD'), General Comment No. 5 of the CRPD Committee, the CRPD Committee's Inquiry Report on Hungary, and the Guidelines on deinstitutionalization, including in emergencies. You call on the Commission to: investigate the situation, send a 'letter of formal notice' to Hungary, protect the budget of the EU and prevent misuse of funds in violation of Union and international law.

The programme HRDOP is implemented under shared management, where development of calls is the responsibility of the Member State. As already indicated in our previous reply of 21 March 2023 on this matter, the overarching objective of the published call 2.2.25-22 is *'to comply with the Article 19 of the CRPD regarding living independently and inclusion in the community, and with the Act XXVI of 1998 on the rights of persons with disabilities and their equal opportunities, as well as with the Government decision 1295/2019 (V. 27.) on the long-term concept regarding deinstitutionalisation of persons with disabilities for 2019-2036. Beyond the compliance with the Article 19 of the UNCRPD, the Call clearly states that the projects should be in line with the General Comment No. 5 of the CRPD Committee and the CRPD Committee's Inquiry Report on Hungary. Furthermore, it reflects the findings of the inquiry report and much more responds to the needs of the people with disabilities.'*

Mr Steven Allen
Executive Director
Validity Foundation – Mental Disability Advocacy Centre
steven@validity.ngo

The Managing Authority together with the Ministry of Interior have drawn lessons from the earlier call 2.2.2-17 and **developed a new approach** within the framework of the call 2.2.25-22 with a view to finding solutions to the emerging questions on how to ensure a transition to community-based care in line with these documents. Unlike the earlier call, the aim of the call 2.2.25-22 was to create **new** supported housing units (*támogatott lakhatás*) and to reduce at the same time the number of places in large institutions. Therefore, **new elements** were formulated in the call 2.2.25-22:

- The optional activities of the call 2.2.25-22 included actions to help people with disabilities enjoy better conditions of independent living, like the set-up and development of basic social services (3.1.1.2.), the employment of a rehabilitation expert (3.1.2.2.).
- In addition, the eligible beneficiaries of the call 2.2.25-22 were NGOs, churches and municipalities, and the State organisation that maintains most of the residential institutions (SZGYF) was not eligible (4.1.).
- Moreover, the Managing Authority in co-operation with the Ministry of Interior had taken measures since the planning and the publishing phase of the call 2.2.25-22 to ensure implementation in accordance with the UNCRPD. A methodological guidance had been prepared in co-operation with experts, including NGOs, to be applied by the beneficiaries in the implementation phase.
- The selection procedure of operations was phased into two parts, in order to prioritise the cities with county rights for the more balanced locations of supported housing units. This was to ensure that at least the 25% of the newly created supported housing units will be in cities with county rights (in section 3.4.1.3).
- In the selection criteria, the social housing units for 6 people were prioritised.
- Furthermore, after signing contracts with the beneficiaries, the Ministry of Interior established a mentoring network for professional support ('info days', published FAQs and contacts including face-to-face meetings if required).
- Workshops were also organised to focus on need assessments of potential inhabitants including the set-up of service provision.

The deadline for incurring and paying expenditure under the 2014-2020 programming period ended on 31 December 2023. The Managing Authority has started the closure procedure of the HRDOP. According to the latest information provided by the Managing Authority on 11 April 2024 as regards the current state-of-play of the call 2.2.25-22, the selected 34 projects were completed, and their final reports were submitted by 15 January 2024 to the Managing Authority. The assessment of the final reports is still in progress at national level, and the final on-site inspections by the Managing Authority are still to come, therefore a fully-fledged evaluation is not available at this stage.

The Commission therefore considers that at the present time **there is no evidence to suggest that the projects would be incompatible with the UNCRPD**. Therefore, there are **no grounds on which the Commission could initiate any actions or proceedings in the context of the call 2.2.25-22**.

It should be noted that the ex-post evaluation on *'The impact of developments on improving the quality of life of people with disabilities'*¹ carried out by KOPINT-TÁRKI and Konjunktúrakutatási Intézet Zrt (in the context of which you were also interviewed)

¹ <https://archive.palyazat.gov.hu/a-fejlesztsek-hatsa-a-fogyatkos-szemlyek-letminsgnek-javtsra>

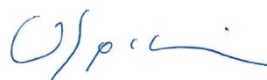
highlights that: *'Those surveyed consider the publishing of the call 2.2.25-22 to be an important result, both professionally and in terms of the details of the call and the implementation process. [...] due to the closer cooperation of the Ministry of Interior and the Managing Authority the call itself was successful and the implementation of the construction itself can be more successful.'*

Regarding the Commission's monitoring activities, in a more general context, please note that the Commission asked the Member States to carry out independent monitoring of disability interventions in connection with the horizontal enabling condition on implementation and application of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in accordance with Council Decision 2010/48/EC² in the programming period 2021-2027. As a result, a separate Disability Directorate and a Disability Advisory Board were set up within the Office of the Commissioner for Fundamental Rights of Hungary.

The Commission also supports more generally Member States to promote and reinforce the shift from institutional to community-based care with the aim of ensuring independent living and full inclusion in the community of individuals with disabilities. The disability related questions are reflected in the Country Reports and, to a lesser extent, in the Country Specific Recommendations³ issued within the context of the European Semester, and are in line with the principles of the European Pillar of Social Rights.

As a recent step, the Commission is preparing a guidance recommending improvements to Member States on independent living and inclusion in the community, in order to enable persons with disabilities to live in accessible, supported housing in the community, or to continue living at home (including personal assistance schemes). This guidance is a Flagship of the Strategy for the rights of persons with disabilities 2021-2030⁴. To make it happen, the co-operation and joint work with a wide range of stakeholders, including NGOs, on this matter are fundamental for the Commission.

Yours sincerely,



Themis CHRISTOPHIDOU

² Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, p.35.

³ European Semester 2022-2023 country fiche on disability equality: <https://op.europa.eu/en/publication-detail/-/publication/e6bbb7a8-8378-11ee-99ba-01aa75ed71a1/language-en/format-PDF/source-search>

⁴ Union of equality: Strategy for the rights of persons with disabilities 2021-2030: <https://ec.europa.eu/social/main.jsp?catId=1484&langId=en>