



Judgment of the Court

in Case C-521/25 | Commission v Hungary (Penalties for trafficking in human beings)

Press release No 150/26

Luxembourg, 15 October 2026

Failure of a Member State to fulfil its obligations: by converting the final custodial sentences imposed for trafficking in human beings into ‘special reintegration detention’, Hungary has infringed EU law

The ‘special reintegration detention’, which in practice amounts to deportation from Hungarian territory and a prohibition on returning there, does not constitute an effective, dissuasive and proportionate penalty

In 2023, Hungary adopted a government decree providing that, where a court imposes a final custodial sentence for the preparation or commission of the offence of trafficking in human beings and orders the expulsion of the convicted person in the same decision, the sentence is automatically converted into ‘special reintegration detention’. This means only that the convicted person is under an obligation to leave Hungarian territory within 72 hours of his or her release in order to travel to the country of his or her former habitual residence or to the country of which he or she is a national and is prohibited from returning to Hungarian territory for the entire duration of the special reintegration detention. The decree was repealed on 19 August 2025 and 2 525 people were subject to the special reintegration detention scheme on the basis of that decree.

According to the Commission, that decree gives rise to a systemic risk of total impunity for the offence of facilitating illegal immigration and undermines the high level of security within the area of freedom, security and justice, as well as the effectiveness of the European Union’s common policy on immigration and border control. Taking the view that, by adopting that decree, Hungary has failed to fulfil its obligation under EU law ¹ to impose effective, dissuasive and proportionate penalties, the European Commission brought an action for failure to fulfil obligations before the Court of Justice.

In its judgment, the Court upholds the Commission’s action and finds that Hungary has failed to fulfil its obligations under EU law.

It finds that a penalty such as **special reintegration detention does not have the required effective, proportionate and dissuasive nature.**

First, the Court notes that that penalty – initially imposed as a custodial sentence – is not enforced as such: it is converted into an obligation to leave Hungarian territory and a prohibition on returning there for the duration of the sentence imposed. Consequently, it cannot be classified as ‘effective’.

Second, persons involved in trafficking in human beings could be reassured that, if apprehended and tried in Hungary, they would, at worst, be deported from Hungarian territory and prohibited from returning there for a certain period. The penalty cannot, therefore, be regarded as a dissuasive either.

Third, that penalty cannot be classified as ‘proportionate’ either. The conversion of the custodial sentence into special reintegration detention and the release of the person concerned are automatic, without any individual assessment of the circumstances of the offence or of the character of the person who committed it. The mere fact that the duration of the prohibition on returning to Hungarian territory corresponds to the duration of the custodial sentence imposed, which is

intended to reflect the seriousness of the offence committed, is not sufficient to meet the requirement for a proportionate penalty.

Last, the Court finds that Hungary has also failed to fulfil its obligations in so far as the decree **applies to offences which, under EU law, ² must be punishable by a custodial sentence** (with a maximum sentence of not less than eight years). Those offences involve intentionally assisting persons who are not nationals of a Member State to enter, or transit across, the territory of a Member State, where those offences have been committed for financial gain, as an activity of a criminal organisation or while endangering the lives of the persons who are the subject of the offence.

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under EU law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay. Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal framework refers to the relevant period and is based on the case file.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ Articles 1 and 3 of Council [Directive 2002/90/EC](#) of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, and Article 1(1) and (3) of Council [Framework Decision 2002/946/JHA](#) of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

² Article 1(3) of Framework Decision 2002/946/JHA.