Resolution on ongoing hearings under Article 7 (1) of the TEU regarding Poland and Hungary

2020/2513(RSP) - 16/01/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 446 votes to 178, with 41 abstentions, a resolution on the ongoing hearings under Article 7(1) of the EU Treaty with regard to Poland and Hungary.

The resolution was tabled by the EPP, S&D, Renew, Greens/EFA and GUE/NGL groups.

It is recalled that Article 7(1) of the Treaty on the European Union was triggered by the Commission and Parliament with regard to Poland and Hungary respectively, after it was established that there was a clear risk of a serious breach of the values on which the Union is founded. This Article of the TEU constitutes a preventive phase which allows the Union to intervene in the event of a clear risk of a serious breach of the common values. This preventive action provides for a dialogue with the Member State concerned and is intended to avoid possible sanctions. The Council has so far organised three hearings of Poland and two hearings of Hungary in the framework of the General Affairs Council.

Need for more regular and structured hearings followed by recommendations

Parliament took note of the hearings organised by the Council but noted with concern that the hearings are not organised in a regular, structured and open manner. It called on the Croatian Presidency and forthcoming presidencies to organise regular hearings, while stressing that the hearings should be objective, fact based and transparent and that the Member States concerned should cooperate in good faith throughout the process. It recommended that the Council address concrete recommendations to the Member States in question, with deadlines for their implementation.

Respecting the role of Parliament

Members expressed deep concern that the standard modalities for hearings do not ensure the same treatment for Parliament as for the Commission and one third of the Member States as regards the presentation of the reasoned proposal. It insisted that Parliament’s invitation to a formal Council meeting is still owing on the basis of the right of initiative and the principle of sincere cooperation between institutions. It called on the Council to keep Parliament promptly and fully informed at every stage of the procedure. Members considered that the informal dialogue with Parliament cannot replace the formal presentation of a reasoned proposal in the Council.

Lack of significant progress by the two Member States concerned

Reports and statements by the Commission and international bodies such as the United Nations, the OSCE and the Council of Europe indicate that the situation in Poland and Hungary has deteriorated since the triggering of Article 7(1) of the EU Treaty. In this context, Parliament stated that the Council's failure to make effective use of Article 7 TEU continues to undermine the integrity of common European values, mutual trust and the credibility of the Union as a whole.

Parliament reaffirmed its position on the Commission's decision to activate Article 7(1) of the EU Treaty with regard to the situation in Poland, as well as on its own proposal calling on the Council to determine, in accordance with Article 7(1) of the EU Treaty, the existence of a clear risk of a serious breach by Hungary of the values on which the EU is founded. It therefore invited the Council to ensure that the hearings take account of new developments and asked the Commission to make full use of the tools

available to address a clear risk of serious breach by Poland and Hungary of the values on which the Union is founded, in particular accelerated infringement procedures and applications for interim measures before the Court of Justice.

EU mechanism on democracy, rule of law and fundamental rights

Lastly, the resolution stressed the urgent need to establish an EU mechanism on democracy, the rule of law and fundamental rights, as proposed by Parliament, in the form of an interinstitutional agreement including an independent annual report assessing, on an equal footing, the compliance by all Member States with the values enshrined in Article 2 of the Treaty. It called on the Commission and the Council, in this regard, to start interinstitutional negotiations as soon as possible.