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

2022/2647(RSP) - 05/05/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 426 votes to 133, with 37 abstentions, a resolution on the ongoing hearings under Article 7(1) of the EU Treaty regarding Poland and Hungary.

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

Parliament deplored the fact that the hearings organised by the Council had **not led to an improvement in the rule of law, democracy and fundamental rights in Poland and Hungary** and that the situation in both countries had continued to deteriorate since the procedure under Article 7(1) of the EU Treaty was triggered. It called on the Council to commit itself to making real progress in the ongoing procedures.

Members considered that hearings should be held with suitable frequency and stressed that hearings will only be effective if the Council follows them up with **concrete recommendations** to the Member States in question. Given the rapidly deteriorating situation in both countries, the Council should adopt these recommendations quickly and set clear deadlines for their implementation.

The resolution stressed 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 ministers chairing the General Affairs Council in the future to appear before Parliament's competent committees at least once per presidency in order to keep Parliament informed of these procedures.

Parliament called on the Member States to **respect the primacy of Union law** and recommended that the Council discuss the threats to the primacy of Union law in the context of the various procedures underway under Article 7(1) of the EU Treaty. It considered it particularly unacceptable that Poland and Hungary continue to fail to implement a significant number of judgments of the Court of Justice of the European Union and the European Court of Human Rights.

The Commission is invited to use all available tools to **remedy the violations** by Poland and Hungary of the values enshrined in Article 2 of the EU Treaty, including expedited infringement procedures and applications for interim measures before the Court of Justice of the European Union, as well as the Rule of Law Conditionality Regulation.

Parliament also called on the Commission and the Council to **refrain from approving the national plans of Poland and Hungary** under the Recovery and Resilience Facility until both countries have fully complied with all European Semester country-specific recommendations in the field of the rule of law and until they have implemented all the relevant judgments of the Court of Justice of the EU and the European Court of Human Rights.

Parliament took note of the fact that on 27 April 2022 the Commission **initiated the formal procedure against Hungary** under the Rule of Law Conditionality Regulation. It expects the Commission to proceed as soon as possible and expects the Council to make a political commitment to complete the procedure without delay and as a matter of priority.

However, Members were concerned that the Commission has **not started such proceedings with regard to Poland** and called for further assessment and action from the Commission under the regulation. They regretted that the Commission applies the narrowest interpretation of the regulation when assessing

breaches of the principles of the rule of law in a Member State, by effectively excluding a serious risk affecting the financial management of the Union and its financial interests.

Parliament called on the Ministers of the General Affairs Council to take full account of the Commission's conclusions in its written notification to Hungary at the next hearing on Hungary. It stressed that the Commission's conclusions should constitute **sufficient grounds for the Council to adopt recommendations** under the procedure of Article 7(1) of the EU Treaty.

The Council is invited to make full use in its work of the findings of the Parliament's missions which describe various breaches by Hungary and Poland in the field of democracy, the rule of law and fundamental rights, especially regarding the independence of the judiciary, media freedom, attacks against civil society actors and the further deterioration of LGBTIQ+ people’s rights and women’s rights, and the alleged use of Pegasus spyware.