Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

2018/0902R(NLE) - 15/09/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 433 votes to 123, with 28 abstentions, a resolution on the proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded.

Clear risk of a serious breach of EU values

Parliament has already expressed its concerns about the rapid deterioration of the rule of law, democracy and fundamental rights in Hungary in its resolutions on several occasions. It considered that, taken together, the facts and trends referred to in Parliament's resolutions represent a **systemic threat to the values of Article 2 of the EU Treaty** and constitute a clear risk of a serious violation of these values.

The main areas of concern in Hungary are as follows:

(1) the functioning of the constitutional and electoral system;

(2) the independence of the judiciary and of other institutions and the rights of judges;

(3) corruption and conflicts of interest;

(4) privacy and data protection;

(5) freedom of expression;

(6) academic freedom;

(7) freedom of religion;

(8) freedom of association;

(9) the right to equal treatment;

(10) the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities;

(11) the fundamental rights of migrants, asylum seekers and refugees;

(12) economic and social rights.

Parliament condemned the **deliberate and systemic efforts of the Hungarian government to undermine** these founding values. It expressed deep concern about the systematic and deliberate attempts of the Hungarian government to undermine the founding values of the Union enshrined in Article 2 TEU, stressing that these trends have worsened considerably since the procedure under Article 7(1) TEU was triggered.

Lack of EU action

Stressing that the Hungarian government is responsible for bringing Hungary back into line with EU law and the values enshrined in Article 2 of the EU Treaty, Parliament regretted that the lack of decisive action by the Union has contributed to the breakdown of democracy, the rule of law and fundamental rights in Hungary, turning the country into a **hybrid regime of electoral autocracy**.

Furthermore, Members deplored the inability of the Council to make **meaningful progress** in the ongoing Article 7(1) TEU procedure. They also emphasised that there is no need for unanimity in the Council either to identify a clear risk of a serious breach of Union values under Article 7(1), or to address concrete recommendations to the Member States in question and provide deadlines for the implementation of those recommendations. Parliament reiterated its call on the **Council to act** in this direction, stressing that any further delay in doing so would be a violation of the rule of law by the Council itself.

Using all available tools

The Commission is called upon to make full use of the tools available to address the clear risk of a serious breach by Hungary of the values on which the Union is founded, in particular expedited infringement procedures, applications for interim measures before the Court of Justice and actions regarding non-implementation of the Court's judgments. Members recalled the importance of the **Rule of Law Conditionality Regulation** and welcomed the decision to trigger it in the case of Hungary, albeit after a long delay and with a limited scope. They called on the Commission to take immediate action under this regulation with regard to violations of the rule of law, in particular with regard to the independence of the judiciary.

Avoiding the misuse of EU funds

At a time when European values are particularly threatened by Russia's war on Ukraine and its hostile actions towards the EU, Parliament called on the Commission to:

- refrain from approving **Hungary's plan** until it has fully complied with all European Semester country-specific recommendations in the field of the rule of law and until it has implemented all of the relevant judgments of the Court of Justice of the EU and the European Court of Human Rights (ECtHR);

- exclude any risks of **programmes under cohesion policy** contributing to the misuse of EU funds or to breaches of the rule of law;

- apply the **Common Provisions Regulation and the Financial Regulation** more stringently to tackle any misuse of EU funds for political motives.