

# Procedure file

Basic information	
NLE - Non-legislative enactments	2018/0902R(NLE)
Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded	
Accompanying procedure <a href="#">2018/0902(NLE)</a>	
Subject 8.30.10 Principles common to the Member States, EU values	
Geographical area Hungary	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Civil Liberties, Justice and Home Affairs</a>	 <a href="#">DELBOS-CORFIELD</a> <a href="#">Gwendoline</a>	09/11/2021
		Shadow rapporteur	
		 <a href="#">WISELER-LIMA Isabel</a>	
		 <a href="#">VOLLATH Bettina</a>	
		 <a href="#">STRUGARIU Ramona</a>	
		 <a href="#">GARRAUD Jean-Paul</a>	
		 <a href="#">WIŚNIEWSKA Jadwiga</a>	
		 <a href="#">BJÖRK Malin</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 <a href="#">Constitutional Affairs</a>	 <a href="#">CIMOSZEWICZ</a> <a href="#">Włodzimierz</a>	10/02/2022
Council of the European Union	Commission DG	Commissioner	
European Commission	<a href="#">Justice and Consumers</a>	REYNDERS Didier	

Key events
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16/12/2021	Committee referral announced in Parliament		
13/07/2022	Vote in committee		
25/07/2022	Committee report tabled for plenary	<a href="#">A9-0217/2022</a>	Summary
14/09/2022	Debate in Parliament		
15/09/2022	Results of vote in Parliament		
15/09/2022	Decision by Parliament	<a href="#">T9-0324/2022</a>	Summary

### Technical information

Procedure reference	2018/0902R(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Interim report under consent procedure
Legal basis	Rules of Procedure EP 105-p5
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/07938

### Documentation gateway

Committee draft report		<a href="#">PE731.646</a>	27/04/2022	EP	
Committee opinion	<b>AFCO</b>	<a href="#">PE729.937</a>	19/05/2022	EP	
Amendments tabled in committee		<a href="#">PE732.600</a>	02/06/2022	EP	
Committee report tabled for plenary, single reading		<a href="#">A9-0217/2022</a>	25/07/2022	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T9-0324/2022</a>	15/09/2022	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2022)624</a>	16/12/2022	EC	

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

The Committee on Civil Liberties, Justice and Home Affairs adopted the interim report by Gwendoline DELBOS CORFIELD (Greens/EFA, FR) 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

The European Union (EU) is equipped with a set of tools to defend the common values enshrined in the Article 2 of the Treaty of the European Union (TEU) of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Among these tools, Article 7 TEU empowers the Council of the EU to determine that there is a clear risk of a serious breach by a Member States of the values referred in Article 2 TEU, based on a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission.

Clear risk of a serious breach of EU values

The European Parliament identified 12 areas where it determines the existence of a clear risk of a serious breach by Hungary of the values referred in Article 2 TEU:

- (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.

Since the adoption of the report [2017/2132\(INL\)](#), the European Commission, international organisations such as the United Nations, Council of Europe and the Organization for Security and Cooperation in Europe (OSCE), as well as academics and civil society organisations, have shed light on worrying developments in these 12 areas.

The European Parliament has also reiterated its concerns regarding the rapid deterioration of the rule of law, democracy and fundamental rights in Hungary on several occasions, for instance in its 10 June 2021 [resolution](#) on the Rule of Law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020/2092, and later in its [resolution](#) of 6 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament.

The committee considers that the facts and trends highlighted across the report represent a systemic threat to the values of Article 2 TEU and constitute a clear risk of a serious breach thereof. It 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

Members consider 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, and regret 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. In this regard, the report stated that any further delay to such action would amount to a breach of the rule of law principle by the Council itself.

#### Use all available tools and avoid misuse of EU funds

Members called on the Commission to:

- take immediate action under the regulation as regards other breaches of the rule of law, particularly those relating to the independence of the judiciary;
- 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.

This report provides the Council with a clear basis to pursue the Article 7(1) TEU procedure, enter in a dialogue through regular and thorough hearings, and consider addressing recommendations to Hungary.

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

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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 Courts 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.

Transparency				
DELBOS-CORFIELD Gwendoline	Rapporteur	LIBE	23/06/2022	Human Rights Watch Magyar Helsinki Bizottság Mérték Médiaelemző Műhely Közhasznú Nonprofit Kft International Commission of Jurists (ICJ) International Federation for Human Rights (FIDH) International Press Institute (IPI) Reporters sans frontières (RSF) Open Society Foundation Amnesty International European Association Transparency International
DELBOS-CORFIELD Gwendoline	Rapporteur	LIBE	16/05/2022	Human Rights Watch Magyar Helsinki Bizottság Mérték Médiaelemző Műhely Közhasznú Nonprofit Kft International Commission of Jurists (ICJ) International Federation for

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DELBOS-CORFIELD Gwendoline	Rapporteur	LIBE	01/04/2022	Háttér Társaság Budapest Pride Hungarian LGBT Alliance
DELBOS-CORFIELD Gwendoline	Rapporteur	LIBE	01/04/2022	Magyar Helsinki Bizottság Mérték Médiaelemző Műhely Közhasznú Nonprofit Kft Amnesty International Hungary Transparency International Hungary K-Monitor
DELBOS-CORFIELD Gwendoline	Rapporteur	LIBE	01/04/2022	Political Capital
DELBOS-CORFIELD Gwendoline	Rapporteur	LIBE	24/03/2022	International Commission of Jurists (ICJ) International Federation for Human Rights (FIDH) International Press Institute (IPI) Magyar Helsinki Bizottság Mérték Médiaelemző Műhely Közhasznú Nonprofit Kft Reporters sans frontières (RSF) Open Society Foundation Human Rights Watch Amnesty International European Association Transparency International