



TEXTS ADOPTED

P8_TA(2015)0461

Situation in Hungary: follow-up to the European Parliament Resolution of 10 June 2015

European Parliament resolution of 16 December 2015 on the situation in Hungary (2015/2935(RSP))

The European Parliament,

- having regard to the preamble to the Treaty on European Union (TEU), in particular the second and the fourth to seventh recitals thereof,
- having regard, in particular, to Article 2, second subparagraph of Article 3(3), Article 6 and Article 7 of the TEU, and to the articles of the TEU and the Treaty on the Functioning of the European Union (TFEU) relating to respect for, and the promotion and protection of, fundamental rights in the EU,
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000, which was proclaimed on 12 December 2007 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,
- having regard to the Universal Declaration of Human Rights and the European Convention on Human Rights,
- having regard to its resolutions of 10 June 2015 on the situation in Hungary¹, of 3 July 2013 on the situation of fundamental rights: standards and practice in Hungary², of 16 February 2012 on the recent political developments in Hungary³ and of 10 March 2011 on media law in Hungary⁴,
- having regard to the Commission communication of 11 March 2014 entitled ‘A new EU Framework to strengthen the Rule of Law’ (COM(2014)0158),
- having regard to the Council’s first annual rule of law dialogue, held on 17 November 2015,

¹ Texts adopted, P8_TA(2015)0227.

² Texts adopted, P7_TA(2013)0315.

³ OJ C 249 E, 30.8.2013, p. 27.

⁴ OJ C 199 E, 7.7.2012, p. 154.

- having regard to the statement of 27 November 2015 by the Council of Europe Commissioner for Human Rights following his visit to Hungary,
 - having regard to Act CXL of 2015 adopted by the Hungarian Parliament on mass immigration,
 - having regard to Act CXLII of 2015 adopted by the Hungarian Parliament on the efficient protection of Hungary's borders and on mass immigration,
 - having regard to resolution 36/2015 of the Hungarian Parliament on a message to the leaders of the European Union, adopted on 22 September 2015,
 - having regard to the oral question to the Commission on behalf of the committee on Civil Liberties, Justice and Home Affairs on the situation in Hungary: follow-up to the European Parliament resolution of 10 June 2015 (O-000140/2015 – B8-1110/2015),
 - having regard to the Commission's reply of 5 November 2015, following Parliament's resolution of 10 June 2015,
 - having regard to the Commission statement presented at the plenary debate held in Parliament on 2 December 2015 on the situation in Hungary,
 - having regard to Rules 128(5) and 123(4) of its Rules of Procedure,
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of people belonging to minorities, and whereas these values are universal and common to the Member States (Article 2 TEU); whereas a clear risk of a serious breach by a Member State of the values referred to in Article 2 TEU would trigger the 'Article 7' procedure;
 - B. whereas the Charter of Fundamental Rights of the European Union is part of EU primary law and prohibits discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
 - C. whereas the way the rule of law is implemented at national level plays a key role in ensuring trust towards Member States' legal and administrative systems; whereas the EU's justifiable intransigence concerning the values of respect for democracy, the rule of law and fundamental rights is key to ensuring the credibility of the Union both internally and on the international stage;
 - D. whereas the right to asylum is guaranteed, with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol thereto of 31 January 1967 relating to the status of refugees, and in accordance with the TEU and the TFEU;
 - E. whereas sound public spending and the protection of the financial interests of the EU should be key elements of the EU's policy to increase the confidence of citizens by ensuring that their money is used properly, efficiently and effectively;
 - F. whereas recent developments, and initiatives and measures taken over the past few years in Hungary have led to a serious systemic deterioration in the situation as regards the rule

of law and fundamental rights, inter alia freedom of expression, including academic freedom, the human rights of migrants, asylum seekers and refugees, freedom of assembly and association, restrictions and obstructions to the activities of civil society organisations, the right to equal treatment, the rights of people belonging to minorities, including Roma, Jews and LGBTI people, social rights, the functioning of the constitutional system, the independence of the judiciary and of other institutions and many worrying allegations of corruption and conflicts of interest;

- G. whereas in July and September 2015 the Hungarian Parliament adopted a number of amendments, relating in particular to the law on asylum, the penal code, the law on criminal procedure, the law on the border, the law on the police and the law on national defence; whereas the Commission's preliminary assessment revealed a number of serious concerns and questions regarding compatibility with the asylum and borders acquis and the Charter of Fundamental Rights; whereas on 6 October 2015 the Commission sent an administrative letter to the Hungarian Government; whereas the Hungarian Government responded to that letter; whereas on 10 December 2015 the Commission opened an infringement procedure against Hungary;
- H. whereas the Commission failed to respond to Parliament's request to undertake an in-depth monitoring process on the situation of democracy, the rule of law and fundamental rights in Hungary; whereas in its statement presented at the plenary debate held in the European Parliament on 2 December 2015 the Commission declared that it was ready to use all the means at its disposal, including infringement proceedings, to ensure that Hungary – and any other Member State – complies with its obligations under EU law and respects the values of the Union as enshrined in Article 2 TEU; whereas the Commission considers that the conditions to activate the Rule of Law Framework regarding Hungary are at this stage not met;
1. Reiterates its position expressed in its resolution of 10 June 2015 on the situation in Hungary;
 2. Voices serious concerns regarding the series of swift legislative measures taken in recent months that have rendered access to international protection extremely difficult and have unjustifiably criminalised refugees, migrants and asylum seekers; stresses its concerns regarding respect for the principle of non-refoulement, the increasing recourse to the detention, including of minors, and the use of xenophobic rhetoric linking migrants to social problems or security risks, in particular through government-led communication campaigns and national consultation, thereby making integration problematic; urges the Hungarian Government to return to normal procedures and repeal emergency measures;
 3. Believes that all Member States must comply fully with EU law in their legislative and administrative practice, and that all legislation must reflect and be in accordance with basic European values, namely democracy, the rule of law and fundamental rights;
 4. Stresses that Parliament has repeatedly called upon the Council to react to worrying developments in Hungary; urges the Council of the European Union and the European Council, as soon as possible, to hold a discussion and adopt conclusions on the situation in Hungary; believes that by not considering or responding adequately to Parliament's concerns repeatedly expressed by the majority of its Members, the Council and the Commission undermine the principle of mutual sincere cooperation between the institutions laid down in Article 13(2) TEU;

5. Believes that Hungary is a test for the EU to prove its capacity and political willingness to react to threats and breaches of its own founding values by a Member State; deplores the existence of similar developments in some other Member States and considers that the inaction of the EU may have contributed to such developments, which show worrying signs, similar to those in Hungary, of the rule of law being undermined; believes that this raises serious concerns as to the ability of the Union to ensure continuing respect for the political Copenhagen criteria once a Member State has acceded to the Union;
6. Recalls the role of the Commission as guardian of the Treaties in ensuring that national legislation is in conformity with democracy, the rule of law and fundamental rights; stresses the importance of any evaluation and analysis carried out by the Commission and the Parliament as to the situation in individual Member States being fact-based and objective; invites the Hungarian Government and the Commission to work closely and cooperatively together on any issues which they feel may require further evaluation or analysis; notes with satisfaction the opening of the infringement procedure against Hungary concerning asylum *acquis*;
7. Regrets that the current approach taken by the Commission focuses mainly on marginal, technical aspects of the legislation while ignoring the trends, patterns and combined effect of the measures on the rule of law and fundamental rights; believes that infringement proceedings, in particular, have failed in most cases to lead to real changes and to address the situation more broadly;
8. Reiterates the call on the Commission to activate the first stage of the EU framework to strengthen the rule of law, and therefore to initiate immediately an in-depth monitoring process concerning the situation of democracy, the rule of law and fundamental rights in Hungary, including the combined impact of a number of measures, and evaluating the emergence of a systemic threat in that Member State which could develop into a clear risk of a serious breach within the meaning of Article 7 TEU;
9. Calls on the Commission to continue all investigations and the use of all existing legislative tools to their full extent, in order to ensure the transparent and proper use of EU funds in Hungary on the basis of EU law; notes the Commission's decision of 14 July 2015 to suspend several contracts across eight EU funding programmes due to the use of an excessively restrictive selection criterion in public procurement procedures in Hungary;
10. Instructs its President to forward this resolution to the Commission, the Council, the President, Government and Parliament of Hungary, the governments and parliaments of the Member States and the candidate countries, the EU Agency for Fundamental Rights, the Council of Europe and the Organisation for Security and Cooperation in Europe.