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Hungary

EP says legal and constitutional changes in Hungary incompatible with EU values

The European Parliament today adopted a report by Green MEP Rui Tavares (Portugal) on the situation of fundamental rights in Hungary. The report states that the legal and constitutional changes in Hungary are incompatible with the values of the EU set out in Article 2 of the Treaty on European Union. MEPs approved recommendations to the Hungarian government and to the European Institutions on how to bring Hungarian legislation in line with European values (1). The European Parliament also proposes to establish a "Copenhagen high-level group", which is responsible for monitoring member states' compliance with common European values.

Commenting after the vote, **Rui Tavares** MEP said:

"For the first time in its history, the European parliament today declared that legal and constitutional changes in a Member State are incompatible with the values of the EU set out in Article 2 of the Treaty on European Union. There is a long list of areas in which Hungary is at odds with European values: the independence of the data protection authorities, independence of the judiciary, media pluralism, rights of minorities and rights of the political opposition. The recently adopted Fourth Amendment to the Constitution, in particular, is a reason for serious concern as it gravely undermines the role of the Constitutional Court.

Ever since Victor Orban's FIDESZ party obtained a two thirds majority in the Hungarian parliament in 2010, there has been a systemic and general trend of changes to Hungary's constitutional and legal framework that are incompatible with common European values as referred to in Article 2 of the Treaty on European Union - democracy, rule of law, liberty, equality and respect for human rights, including the rights of people belonging to minorities.

The report gives a very clear list of over 40 recommendations to the Hungarian government and to the European Commission, the European Council and to the European Parliament on how to ensure respect for fundamental values, rule of law and democracy in Hungary. If Hungary fails to implement the recommendations, Parliament will have to take action, under Article 7(1) of the Treaty, to determine the existence of a clear risk of a serious breach by Hungary of European values.

The Orban government's actions have seriously weakened the democratic system of checks and balances. Apart from the numerous changes to the Fundamental Law, the systematic recourse to cardinal laws (which

require a two thirds majority to be changed) is also problematic. These laws were clearly intended to set in stone the political views of one party.

Parliament is asking the European Commission to establish an Article 2 'Alarm Agenda' whereby a Member State in which these problems have been identified would have to focus exclusively on issues of democracy and the rule of law in order to obtain cooperation on the many other files for which it is in negotiation with the Commission. The implementation of the recommendations addressed to the Member State should be monitored by a permanent trilogue, to which Commission, Council and Parliament will send representatives.

However, Hungary is not the only country experiencing worrying developments going against European values. We need new instruments to safeguard the respect of European values in all EU countries. Before they can become a member of the EU, candidate countries have to fulfil the Copenhagen criteria. But once the countries have become EU members, there is no mechanism to ensure respect of European values. We therefore propose to establish a "Copenhagen high-level group", which is responsible for monitoring member states' compliance with common European values. The European Union values are admirable - on paper. It is up to us, the citizens, representatives and institutions to ensure that these values are protected and respected".

(1) The Greens/EFA group, in line with their initial position, supported an amendment calling for immediate activation of the process of Article 7 TEU. The final result was that the conference of presidents of the European Parliament shall decide on the activation of Article 7 if the recommendations are not satisfactorily implemented.

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