

*Budapest, 20 June 2024*

## **Hungarian civil society organisations call on EU Member States to finally take action in the Article 7 procedure**

Dear Ministers,

Six years have passed since the European Parliament adopted a resolution calling on the Council to determine, pursuant to Article 7(1) of the Treaty of the European Union, the existence of a clear *risk* of a serious breach by Hungary of the values on which the Union is founded.

In September 2022, the European Parliament adopted a second resolution, identifying multiple ongoing concerns regarding Hungary's adherence to the values enshrined in Article 2 TEU. The resolution noted that many of these issues had not only persisted but had also deteriorated.

Also in September 2022, the Commission, having triggered the Conditionality Mechanism in April, proposed that the Council adopt measures to protect the Union budget against breaches of the principles of the rule of law in Hungary.

In turn, on 20 December 2022, the Council decided to suspend 55 percent of budgetary commitments under three operational programmes to Hungary, in the amount of EUR 6.3 billion. Also, in order to ensure that EU funds would not be used by non-transparent entities under political influence, the Council prohibited entering into contracts with public interest trusts, thereby sealing off Erasmus and Horizon funding from Hungary.

A week later, the Commission decided to suspend additional funds under the Common Provisions Regulation due to Hungary's failure to comply with the horizontal enabling condition of compliance with the EU Charter of Fundamental Rights in a number of areas.

After the Hungarian Parliament adopted the judicial reform package in May 2023, the Commission decided to unblock EUR 10 billion of Cohesion funds which had been previously suspended due to non-compliance with the horizontal enabling condition as regards judicial independence.

The Council held six hearings in the past six years in the framework of the Article 7(1) TEU procedure but no recommendations have been addressed to Hungary. Numerous calls were made by the European Parliament, certain Member States as well as civil society organisations from across Europe that had urged the Council to move forward with the procedure by admitting the existence of a serious and persistent breach of the values our European Union is founded on.

Meanwhile, the Hungarian government furthered its illiberal agenda and cemented its grip on power by eroding the independence of Hungary's democratic institutions and levels of protection for the rule of law and fundamental rights.

The European Parliament's resolutions related to the Article 7 procedure as well as the Commission's annual rule of law reports have detailed serious and persistent backsliding in Hungary through the destruction and undermining of independent institutions, increasing restrictions on media freedom, and the worsening of the situation of fundamental rights that serve as the basis for democratic participation, including the freedom of association and the civic space, and freedom of information.

By today, Hungary's government under Prime Minister Viktor Orbán

- has been governing under a state of danger for over four years, allowing it to rule by decree and set aside laws and limit the exercise of fundamental rights, a power it is not shy to use;
- openly questions the role and independence of the Court of Justice of the EU and refuses to implement two of its judgments;
- keeps on altering election rules and bending voting systems as it sees fit a mere few months before election day;
- creates opportunities for political interference in judicial and prosecutorial procedures by granting the Minister of Justice unparalleled access to documents in ongoing cases at courts and at the prosecution;
- sets up the Sovereignty Protection Office with unfettered examination powers and access to classified data that can intimidate, target and smear political opponents, independent civil society and media;
- funds and dominates public and private media to spew homophobic and transphobic claims that go hand in hand with legislative changes questioning the human dignity of the LGBTQI+ community.

The Hungarian government's long-standing defiance of the EU's core values is weakening the effectiveness of EU action to protect its European citizens, the single market and peace in the EU's eastern neighbourhood.

Every missed opportunity to act to protect our values will render the eventually inevitable obligation to take this action more costly, difficult and less effective.

This is why we, the undersigned Hungarian civil society organisations, call on the Council to move forward with the Article 7 procedure and address recommendations to the government of Hungary. These recommendations should address at least the following pressing current issues:

- further strengthen the anti-corruption framework,
- protect the rights of people belonging to the LGBTQI+ community, and repeal Act LXXIX of 2021
- repeal Act LXXXVIII of 2023 on the Protection of National Sovereignty.

The Article 7 procedure is a tool that can comprehensively address the well-documented, systemic, serious and persistent breaches of the values enshrined in Article 2. Other procedures that EU institutions can apply in response to violations of Article 2 values are more compartmentalised and not appropriate to grasp the systemic and deliberate nature of such breaches. Moreover, certain strategic areas of concern that currently only the Article 7 procedure addresses are not only examples of the serious and persistent breaches of Article 2 carried out by the Hungarian government, but are, in and of themselves, contributing to the perpetuation of such breaches.

Hungarian civil society organisations proposed a comprehensive [set of actionable recommendations](#) in May 2023 that relate to the 14 topics covered in both the European Parliament's Sargentini and Delbos-Corfield reports over the past six years. The evidence of serious and persistent breaches of Article 2 is clear and is at the disposal of the Council. So are the potential recommendations. It is time to take action.

Amnesty International Hungary  
Clean Air Action Group  
Eötvös Károly Institute  
Háttér Society  
Hungarian Civil Liberties Union  
Hungarian Europe Society  
Hungarian Helsinki Committee  
Mérték Media Monitor  
Ökotárs Foundation  
Streetlawyer Association  
Transparency International Hungary