



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Civil Liberties, Justice and Home Affairs*

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**2012/2130(INI)**

22.5.2013

# **AMENDMENTS**

## **1 - 272**

**Draft report**  
**Rui Tavares**  
(PE935253v02-00)

on the situation of fundamental rights: standards and practices in Hungary  
(pursuant to the European Parliament resolution of 16 February 2012)  
(2012/2130(INI))

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PE510.840v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_NonLegReport

**Amendment 1**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Citation 1 c (new)**

*Motion for a resolution*

*Amendment*

***- Having regard to the fact that on several points the rapporteur obviously goes beyond the competence of the European Parliament,***

Or. en

**Amendment 2**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Citation 1 f (new)**

*Motion for a resolution*

*Amendment*

***- Having regard to the fact that the report does not take into consideration the position and findings of the Hungarian Government,***

Or. en

**Amendment 3**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Citation 1 g (new)**

*Motion for a resolution*

*Amendment*

***- Having regard to the fact that the report provides untrue statements about the Hungarian situation,***

Or. en

**Amendment 4**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Citation 1 h (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the fact that based on the aforementioned the report is one-sided and biased,**

Or. en

**Amendment 5**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Citation 1 i (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the fact that the report unduly violates the volume requirements for an own-initiative report provided by the European Parliament,**

Or. en

**Amendment 6**  
**Rui Tavares**

**Motion for a resolution**  
**Citation 13**

*Motion for a resolution*

*Amendment*

– having regard to the Fundamental Law of Hungary, adopted on 18 April 2011 by the National Assembly of the Hungarian Republic, which entered into force on 1 January 2012 (hereinafter referred to as ‘the Fundamental Law’), and the

– having regard to the Fundamental Law of Hungary, adopted on 18 April 2011 by the National Assembly of the Hungarian Republic, which entered into force on 1 January 2012 (hereinafter referred to as ‘the Fundamental Law’), and the

transitional provisions of the Fundamental Law of Hungary, adopted on 30 December 2011 by the National Assembly, which also entered into force on 1 January 2012 (hereinafter referred to as ‘the *transitional provisions*’),

transitional provisions of the Fundamental Law of Hungary, adopted on 30 December 2011 by the National Assembly, which also entered into force on 1 January 2012 (hereinafter referred to as ‘the *Transitional Provisions*’),

*This amendment applies throughout the text.  
Adopting it will necessitate corresponding changes throughout.*

Or. en

**Amendment 7**  
**Kinga Gál**

**Motion for a resolution**  
**Citation 15**

*Motion for a resolution*

– having regard to the Second Amendment of the Fundamental Law, tabled on 18 September 2012 in the form of an individual member's bill and adopted by the Hungarian Parliament on 29 October 2012, introducing the *requirement* of voter registration into the Fundamental Law,

*Amendment*

– having regard to the Second Amendment of the Fundamental Law, tabled on 18 September 2012 in the form of an individual member's bill *in full accordance with the procedural requirements of legislative initiative* and adopted by the Hungarian Parliament on 29 October 2012, introducing the *possibility* of voter registration into the Fundamental Law; *and having regard to the Decision No 1/2013 of the Constitutional Court, which annulled the provision in respect of Hungarian citizens living in Hungary and uphold the possibility in respect of Hungarian citizens living abroad, having regard to the fact that the Parliament accepting the ruling of the Constitutional Court, as a proof of the functioning of checks and balances, withdrew the debated provision;*

Or. en

**Amendment 8**  
**Rui Tavares**

**Motion for a resolution**  
**Citation 15**

*Motion for a resolution*

– having regard to the Second Amendment of the Fundamental Law, tabled on 18 September 2012 in the form of an individual member's bill and adopted by the Hungarian Parliament on 29 October 2012, introducing the requirement of voter registration into the **Fundamental Law**,

*Amendment*

– having regard to the Second Amendment of the Fundamental Law, tabled on 18 September 2012 in the form of an individual member's bill and adopted by the Hungarian Parliament on 29 October 2012, introducing the requirement of voter registration into the **Transitional Provisions**,

Or. en

**Amendment 9**  
**Kinga Gál**

**Motion for a resolution**  
**Citation 17**

*Motion for a resolution*

– having regard to the Fourth Amendment of the Fundamental Law, tabled on 8 February 2013 in the form of an individual member's bill and adopted by the Hungarian Parliament on 11 March 2013, which, **among other provisions**, integrates into the text of the Fundamental Law the transitional provisions (with the exception of the provision requiring voter registration) **annulled** by the Constitutional Court of Hungary on 28 December 2012 on procedural grounds (Decision No 45/2012),

*Amendment*

– having regard to the Fourth Amendment of the Fundamental Law, tabled on 8 February 2013 in the form of an individual member's bill **in full accordance with the procedural requirements of legislative initiative** and adopted by the Hungarian Parliament on 11 March 2013, which integrates into the text of the Fundamental Law the transitional provisions (with the exception of the provision requiring voter registration) **as requested** by the Constitutional Court of Hungary on 28 December 2012 on procedural grounds (Decision No 45/2012),

Or. en

**Amendment 10**  
**Rui Tavares**

**Motion for a resolution**  
**Citation 17**

*Motion for a resolution*

– having regard to the Fourth Amendment of the Fundamental Law, tabled on 8 February 2013 in the form of an individual member's bill and adopted by the Hungarian Parliament on 11 March 2013, which, among other provisions, integrates into the text of the Fundamental Law the transitional provisions (with *the exception of* the provision requiring voter registration) annulled by the Constitutional Court of Hungary on 28 December 2012 on procedural grounds (Decision No 45/2012),

*Amendment*

– having regard to the Fourth Amendment of the Fundamental Law, tabled on 8 February 2013 in the form of an individual member's bill and adopted by the Hungarian Parliament on 11 March 2013, which, among other provisions, integrates into the text of the Fundamental Law the Transitional Provisions (with *some exceptions including* the provision requiring voter registration) annulled by the Constitutional Court of Hungary on 28 December 2012 on procedural grounds (Decision No 45/2012), *and remaining provisions of a real transitional nature in this document,*

Or. en

**Amendment 11**  
**Kinga Gál**

**Motion for a resolution**  
**Citation 17 a (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the Part V of the reasoning of the Constitutional Court's Decision No 45/2012, which among other states, that "following the decision of the Constitutional Court, it is the task and the responsibility of the constituent power to clear up the situation after the partial annulment. The Parliament shall make an evident and clear legal situation. The Parliament shall revise the subject matters of the annulled non-transitional provisions and decide on which matters*

*should be re-regulated and on which level of legal sources. That is also for the Parliament to decide on which provisions to be re-regulated should be incorporated into the Fundamental Law and which should be laid down on level of [ordinary or cardinal] Acts",*

Or. en

**Amendment 12**  
**Rui Tavares**

**Motion for a resolution**  
**Citation 28**

*Motion for a resolution*

– having regard to the letter of 8 March 2013 sent by the Hungarian Minister of Foreign Affairs, Mr János Martonyi, to all his counterparts in the Member States of the EU explaining the purpose of the **Forth** Amendment,

*Amendment*

– having regard to the letter of 8 March 2013 sent by the Hungarian Minister of Foreign Affairs, Mr János Martonyi, to all his counterparts in the Member States of the EU explaining the purpose of the **Fourth** Amendment,

Or. en

**Amendment 13**  
**Kinga Gál**

**Motion for a resolution**  
**Citation 30**

*Motion for a resolution*

– having regard to the joint statement of 11 March 2013 by President Barroso and Secretary General Jagland recalling their concerns regarding the Fourth Amendment of the Fundamental Law with respect to the principle of the rule of law,

*Amendment*

– having regard to the joint statement of 11 March 2013 by President Barroso and Secretary General Jagland recalling their concerns regarding the Fourth Amendment of the Fundamental Law with respect to the principle of the rule of law; **and having regard to the confirmation made by Prime Minister Orbán, in his letter addressed to President Barroso on 8 March 2013, of**



*the full commitment of the Hungarian Government and Parliament to the European norms and values,*

Or. en

**Amendment 14**  
**Kinga Gál**

**Motion for a resolution**  
**Citation 35**

*Motion for a resolution*

– having regard to the statements by the Office of the UN High Commissioner for Human Rights (OHCHR) of 15 February 2012 and of 11 December 2012 calling on Hungary, respectively, to reconsider legislation *criminalizing* homelessness and to uphold the Constitutional Court's decision *decriminalising homelessness*,

*Amendment*

– having regard to the statements by the Office of the UN High Commissioner for Human Rights (OHCHR) of 15 February 2012 and of 11 December 2012 calling on Hungary, respectively, to reconsider legislation *on* homelessness and to uphold the Constitutional Court's decision *in this regard, and having regard to the provisions of the Fourth Amendment that recognize the right to adequate housing and the commitment to provide access to housing for every homeless person*,

Or. en

**Amendment 15**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Citation 35**

*Motion for a resolution*

– having regard to the statements by the Office of the UN High Commissioner for Human Rights (OHCHR) of 15 February 2012 and of 11 December 2012 calling on Hungary, respectively, to reconsider legislation *criminalizing* homelessness and to uphold

*Amendment*

– having regard to the statements by the Office of the UN High Commissioner for Human Rights (OHCHR) of 15 February 2012 and of 11 December 2012 calling on Hungary, respectively, to reconsider legislation *allowing local authorities to punish*

the Constitutional Court's decision decriminalising homelessness,

homelessness and to uphold the Constitutional Court's decision decriminalising homelessness,

Or. fr

**Amendment 16**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Citation 37**

*Motion for a resolution*

– having regard to the ongoing infringement proceedings in Case C-288/12 brought by the European Commission against Hungary over the *independence* of the data protection *authority*,

*Amendment*

– having regard to the ongoing infringement proceedings in Case C-288/12 brought by the European Commission against Hungary over the *legality of the termination* of the *mandate of the former Commissioner for Data Protection still pending before the European Court of Justice*,

Or. en

**Amendment 17**  
**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Kārlis Šadurskis, Georgios Papanikolaou**

**Motion for a resolution**  
**Citation 37**

*Motion for a resolution*

– having regard to the ongoing infringement proceedings in Case C-288/12 brought by the European Commission against Hungary over the *independence* of the data protection *authority*,

*Amendment*

– having regard to the ongoing infringement proceedings in Case C-288/12 brought by the European Commission against Hungary over the *legality of the termination* of the *mandate of the former Commissioner for Data Protection still pending before the European Court of Justice*,

Or. en

**Amendment 18**  
**Kinga Gál**

**Motion for a resolution**  
**Citation 38**

*Motion for a resolution*

– having regard to the Decision of the Court of Justice of the European Union of 6 November 2012 on the radical lowering of the retirement age for Hungarian judges,

*Amendment*

– having regard to the Decision of the Court of Justice of the European Union of 6 November 2012 on the radical lowering of the retirement age for Hungarian judges, ***and having regard to the subsequent adoption of the Act No XX of 2013 amending the Act CLXII of 2011 - adopted by the Hungarian Parliament on 11 March 2013 - to comply with the decision of the European Court of Justice,***

Or. en

**Amendment 19**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Citation 40**

*Motion for a resolution*

***– having regard to the upcoming report by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe,***

*Amendment*

*deleted*

Or. en

**Amendment 20**  
**Kinga Gál, Kārlis Šadurskis**

**Motion for a resolution**  
**Citation 40**

*Motion for a resolution*

*Amendment*

**– having regard to the upcoming report by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe,** *deleted*

Or. en

**Amendment 21**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Citation 41**

*Motion for a resolution*

*Amendment*

**– having regard to the upcoming assessment of the Fourth Amendment of the Fundamental Law by the European Commission,** *deleted*

Or. en

**Amendment 22**  
**Kinga Gál, Kārlis Šadurskis**

**Motion for a resolution**  
**Citation 41**

*Motion for a resolution*

*Amendment*

**– having regard to the upcoming assessment of the Fourth Amendment of the Fundamental Law by the European Commission,** *deleted*

Or. en

**Amendment 23**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

A. whereas the European Union is founded on the values of democracy and the rule of law as set out in Article 2 TEU, on unequivocal respect for fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights and in the ECHR, and on the recognition of the legal value of such rights, freedoms and principles, as is further demonstrated by the EU's forthcoming accession to the ECHR pursuant to Article 6(2) TEU;

*Amendment*

*(Does not affect English version.)*

*(Does not affect English version.)*

Or. fr

**Amendment 24**  
**Birgit Sippel, Josef Weidenholzer**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

A. whereas the European Union is founded on the values of democracy **and** the rule of law as set out in Article 2 TEU, on unequivocal respect for fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights and in the ECHR, and on the recognition of the legal value of such rights, freedoms and principles, as is further demonstrated by the EU's forthcoming accession to the ECHR pursuant to Article 6(2) TEU;

*Amendment*

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 persons belonging to minorities**, as set out in Article 2 TEU, on unequivocal respect for fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights and in the ECHR, and on the recognition of the legal value of such rights, freedoms and principles, as is further demonstrated by the EU's forthcoming accession to the ECHR pursuant to Article 6(2) TEU;

*(The values listed in Article 2 TEU should all be mentioned in the recital.)*

**Amendment 25**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital B**

*Motion for a resolution*

B. whereas the common values enshrined in Article 2 TEU constitute the core of the rights ***attached to the status of*** EU citizens irrespective of their nationality ***or*** cultural ***and political identities***, and whereas ***citizens*** can fully enjoy those rights only if fundamental values and principles are upheld;

*Amendment*

B. whereas the common values enshrined in Article 2 TEU constitute the core of the rights ***enjoyed by persons living within the EU and especially by*** EU citizens, irrespective of their nationality ***and no matter where they might consider themselves to belong in*** cultural ***or religious terms***, and whereas ***such persons*** can fully enjoy those rights only if ***the EU's*** fundamental values and principles are upheld;

Or. fr

**Amendment 26**  
**Birgit Sippel, Josef Weidenholzer**

**Motion for a resolution**  
**Recital B a (new)**

*Motion for a resolution*

Ba. whereas the values set out in Article 2 TEU have to be addressed politically and legally, this being an indispensable foundation of our democratic society, and whereas, therefore, Member States, as well as all the EU institutions, must commit themselves to them, clearly and unambiguously;

*Amendment*

Ba. whereas the values set out in Article 2 TEU have to be addressed politically and legally, this being an indispensable foundation of our democratic society, and whereas, therefore, Member States, as well as all the EU institutions, must commit themselves to them, clearly and unambiguously;

Or. de

**Amendment 27**  
**Kinga Gál**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

C. whereas respecting and promoting such common values is not only an essential element of the European Union's identity but also an explicit obligation deriving from Article 3(1) and (5) TEU, and therefore a sine qua non for becoming an EU Member State as well as for fully preserving membership prerogatives;

*Amendment*

C. whereas respecting and promoting such common values is not only an essential element of the European Union's identity but also an explicit obligation deriving from Article 3(1) and (5) TEU, and therefore a sine qua non for becoming an EU Member State as well as for fully preserving membership prerogatives, ***the essential element of which are unfortunately not taken fully into account by several Member States, when concrete breaches of these values are identified;***

Or. en

**Amendment 28**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

D. whereas the obligations incumbent on candidate countries under the Copenhagen criteria continue to apply to the Member States after joining the EU by virtue of Article 2 TEU, and whereas all Member States should therefore be assessed on a regular basis in order to verify their continued compliance with the EU's common values;

*Amendment*

*(Does not affect English version.)*

*(Does not affect English version.)*

Or. fr

**Amendment 29**  
**Frank Engel**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

D. whereas the obligations incumbent on candidate countries under the Copenhagen criteria continue to apply to the Member States after joining the EU by virtue of Article 2 TEU, and whereas all Member States should therefore be assessed on a regular basis in order to verify their continued compliance with the EU's common values;

*Amendment*

D. whereas the obligations incumbent on candidate countries under the Copenhagen criteria continue to apply to the Member States after joining the EU by virtue of Article 2 TEU ***and the principle of sincere co-operation***, and whereas all Member States should therefore be assessed on a regular basis in order to verify their continued compliance with the EU's common values;

Or. en

**Amendment 30**  
**Jean-Pierre Audy, Véronique Mathieu Houillon**

**Motion for a resolution**  
**Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas Article 4(1) of the Treaty on European Union (TEU) stipulates that competences not conferred upon the Union in the Treaties remain with the Member States;***

Or. fr

**Amendment 31**  
**Jean-Pierre Audy, Véronique Mathieu Houillon**

**Motion for a resolution**  
**Recital D b (new)**



*Motion for a resolution*

*Amendment*

***Db. whereas Article 5(2) of the Treaty on European Union (TEU), by virtue of the principle of conferral, allows the Union to act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein;***

Or. fr

**Amendment 32**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

E. whereas Article 6(3) TEU underscores that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law, and whereas such rights are a common heritage and *asset* of democratic European states;

E. whereas Article 6(3) TEU underscores that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law, and whereas such rights are a common heritage and ***strength*** of democratic European states;

Or. fr

**Amendment 33**  
**Kinga Gál, Kārlis Šadurskis, Jacek Protasiewicz**

**Motion for a resolution**  
**Recital F**

*Motion for a resolution*

*Amendment*

F. whereas, with the entry into force of the Treaty of Lisbon and pursuant to Article 6 TEU, the Charter ***has the same legal value as the Treaties, hence transforming***

F. whereas, with the entry into force of the Treaty of Lisbon and pursuant to Article 6 TEU, the Charter ***became legally binding and Member States must ensure its full***

*values and principles into tangible and enforceable rights;*

*application when implementing EU law;*

Or. en

**Amendment 34**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Recital G**

*Motion for a resolution*

G. whereas Article 7(1) TEU grants the EU institutions the power to assess whether there is a clear risk of a serious breach of the common values referred to in Article 2 by a Member State, and to engage politically with the country concerned in order to prevent and redress violations, while the ultimate purpose of the means laid down in Article 7(2) and (3) TEU is to penalise and remedy any serious and persistent breach of common values;

*Amendment*

G. whereas Article 7(1) TEU, **by an exactly defined procedure**, grants the EU institutions the power to assess whether there is a clear risk of a serious breach of the common values referred to in Article 2 by a Member State, and to engage politically with the country concerned in order to prevent and redress violations, while the ultimate purpose of the means laid down in Article 7(2) and (3) TEU is to penalise and remedy any serious and persistent breach of common values;

Or. fr

**Amendment 35**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital G**

*Motion for a resolution*

G. whereas Article 7(1) TEU grants the EU institutions the power to assess whether there is a clear risk of a serious breach of the common values referred to in Article 2 by a Member State, and to engage politically with the country concerned in order to prevent and redress violations, **while the ultimate purpose of** the means

*Amendment*

G. whereas Article 7(1) TEU grants the EU institutions the power to assess whether there is a clear risk of a serious breach of the common values referred to in Article 2 by a Member State, and to engage politically with the country concerned in order to prevent and redress violations, **but** the means laid down in Article 7(2) and (3)

laid down in Article 7(2) and (3) TEU *is* to penalise and remedy any serious and persistent breach of common values;

TEU *are unsuitable and have proven ineffective, given the impossibility of employing them* to penalise and remedy any serious and persistent breach of common values;

Or. fr

### **Amendment 36**

**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Kārlis Šadurskis, Georgios Papanikolaou**

#### **Motion for a resolution**

##### **Recital G**

###### *Motion for a resolution*

G. whereas Article 7(1) TEU *grants* the EU institutions *the power to assess whether* there is a clear risk of a serious breach of the *common* values referred to in Article 2 *by a Member State, and to engage politically with the country concerned in order to prevent and redress violations, while the ultimate purpose of the means laid down in Article 7(2) and (3) TEU is to penalise and remedy any serious and persistent breach of common values;*

###### *Amendment*

G. whereas *according to* Article 7(1) TEU the EU institutions *may determine that* there is a clear risk of a serious breach *by a Member State* of the values referred to in Article 2; *whereas before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure;*

Or. en

### **Amendment 37**

**Kinga Gál, Edit Bauer, László Tőkés, Csaba Sógor**

#### **Motion for a resolution**

##### **Recital H**

###### *Motion for a resolution*

H. whereas *the scope of Article 2 TEU is not restricted by the limitation of Article 51(1) of the Charter and the scope of Article 7 TEU is not limited to the policy*

###### *Amendment*

H. whereas *the Charter does not apply to every situation of an alleged violation of fundamental rights as according to Article 51(1) it applies to Member States only*

*areas covered by EU law, and whereas as a consequence the EU can also act in the event of a breach of, or a clear risk of a breach of, the common values in areas falling under Member State's competences;*

*when they are implementing EU law as repeatedly stated by Vice-President Viviane Reding in the former replies to MEPs when raising concrete breaches of fundamental rights in Member States;*

Or. en

### **Amendment 38**

**Kinga Gál**

#### **Motion for a resolution**

##### **Recital J**

###### *Motion for a resolution*

J. whereas respect for the Union's common values goes hand in hand with the EU's commitment to diversity, translated into the obligation for the Union to respect 'the equality of Member States before the Treaties as well as their national identities' as stated in Article 4(2) TEU;

###### *Amendment*

J. whereas respect for the Union's common values goes hand in hand with the EU's commitment to diversity, translated into the obligation for the Union to respect 'the equality of Member States before the Treaties as well as their national identities, ***inherent in their fundamental structures, political and constitutional***' as stated in Article 4(2) TEU;

Or. en

### **Amendment 39**

**Birgit Sippel, Josef Weidenholzer**

#### **Motion for a resolution**

##### **Recital J**

###### *Motion for a resolution*

J. whereas respect for the Union's common values goes hand in hand with the EU's commitment to diversity, translated into the obligation for the Union to respect 'the equality of Member States before the Treaties as well as their national identities' as stated in Article 4(2) TEU;

###### *Amendment*

J. whereas respect for the Union's common values goes hand in hand with the EU's commitment to diversity, translated into the obligation for the Union to respect 'the equality of Member States before the Treaties as well as their national identities' as stated in Article 4(2) TEU; ***whereas,***

*therefore, the values set out in Article 2 TEU cannot be played off against the obligation under Article 4 TEU to respect national identity; whereas, on the contrary, the European core values listed in Article 2 TEU make up the basic framework within which Member States can preserve and develop their national identity;*

Or. de

**Amendment 40**  
**Kinga Gál**

**Motion for a resolution**  
**Recital K**

*Motion for a resolution*

*Amendment*

*K. whereas, in the framework of the Treaties, respect for 'national identities' (Article 4(2) TEU) and for 'different legal systems and traditions of the Member States' (Article 67 TFEU) are intrinsically associated with the principles of sincere cooperation (Article 4(3) TEU), mutual recognition (Articles 81 and 82 TFEU) and thus mutual trust;*

*deleted*

Or. en

**Amendment 41**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital K**

*Motion for a resolution*

*Amendment*

K. whereas, in the framework of the Treaties, respect for 'national identities' (Article 4(2) TEU) and for 'different legal systems and traditions of the Member

K. whereas, in the framework of the Treaties, respect for 'national identities' (Article 4(2) TEU) and for 'different legal systems and traditions of the Member

States' (Article 67 TFEU) are intrinsically associated with the principles of sincere cooperation (Article 4(3) TEU), mutual recognition (Articles 81 and 82 TFEU) and thus mutual trust;

States' (Article 67 TFEU) are intrinsically associated with the principles of sincere cooperation (Article 4(3) TEU), mutual recognition (Articles 81 and 82 TFEU) and thus mutual trust, ***as well as with respect for cultural and linguistic diversity (Article 3(3) TEU)***;

Or. fr

**Amendment 42**  
**Kinga Gál**

**Motion for a resolution**  
**Recital L**

*Motion for a resolution*

***L. whereas a departure from, or a violation of, the Union's common values by a Member State cannot be justified by national traditions nor by the expression of a national identity when such departure results in the deterioration of the principles at the heart of the European integration, such as the rule of law or the principle of mutual recognition, with the consequence that a referral to Article 4(2) TEU is applicable only so far as a Member States respects the values enshrined in Article 2 TEU;***

*Amendment*

***deleted***

Or. en

**Amendment 43**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital L**

*Motion for a resolution*

L. whereas ***a departure from***, or a violation of, the Union's common values by a

*Amendment*

L. whereas a violation of the Union's common ***principles and*** values by a

Member State cannot be justified by national traditions nor by the expression of a national identity when such *departure* results in the deterioration of the principles at the heart of *the* European integration, such as the rule of law or the principle of mutual recognition, with the consequence that a referral to Article 4(2) TEU is applicable only so far as a Member State respects the values enshrined in Article 2 TEU;

Member State cannot be justified by national traditions nor by the expression of a national identity when such *a violation* results in the deterioration of the principles *which are* at the heart of European integration, such as *democratic values*, the rule of law, or the principle of mutual recognition, with the consequence that a referral to Article 4(2) TEU is applicable only so far as a Member State respects the values enshrined in Article 2 TEU;

Or. fr

#### **Amendment 44**

**Jean-Pierre Audy, Véronique Mathieu Houillon**

#### **Motion for a resolution**

#### **Recital L**

##### *Motion for a resolution*

L. whereas a departure from, or a violation of, the Union's common values by a Member State cannot be justified by national traditions nor by the expression of a national identity when such departure results in the deterioration of the principles at the heart of the European integration, such as the rule of law or the principle of mutual recognition, with the consequence that a referral to Article 4(2) TEU is applicable only so far as a Member State respects the values enshrined in Article 2 TEU;

##### *Amendment*

*(Does not affect English version.)*

Or. fr

#### **Amendment 45**

**Birgit Sippel, Josef Weidenholzer**

#### **Motion for a resolution**

#### **Recital N**

*Motion for a resolution*

N. whereas, therefore, not only the credibility of the Member States and of the EU on the international scene, but also the Union's objectives in its external action, would be undermined if Member States were not able or willing to live up to the standards to which they have agreed and bound themselves;

*Amendment*

N. whereas, therefore, not only the credibility of the Member States and of the EU on the international scene, but also the Union's objectives in its external action, would be undermined if Member States were not able or willing to live up to the standards to which they have agreed and bound themselves ***by signing the Treaties***;

Or. de

**Amendment 46**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital O**

*Motion for a resolution*

O. whereas respect by the Member States for the same set of fundamental values is an indispensable condition for ensuring mutual trust and consequently the correct functioning of mutual recognition, which is at the heart of ***the creation and development of the internal market as well as of*** the European area of freedom, security and justice, and whereas, therefore, any attempt to disrespect or weaken the common values adversely affects the ***whole*** construction of ***the*** European process of ***economic***, social and ***political*** integration;

*Amendment*

O. whereas respect by the Member States for the same set of fundamental values is an indispensable condition for ensuring mutual trust and consequently the correct functioning of mutual recognition, which is at the heart of the European area of freedom, security and justice, and whereas, therefore, any attempt to disrespect or weaken the common values adversely affects the construction of ***a*** European process of ***democratic***, social and ***economic*** integration ***based on solidarity***;

Or. fr

**Amendment 47**  
**Frank Engel**

**Motion for a resolution**  
**Recital P**



*Motion for a resolution*

*Amendment*

***P. whereas the common values set out in Article 2 TEU, and proclaimed in the Preambles to the Treaties and the Charter of Fundamental Rights and referred to in the Preamble to the ECHR and in Article 3 of the Statute of the Council of Europe, require a separation of powers between independent institutions based on a correctly functioning system of checks and balances, and whereas core features of these principles include: respect for legality, including a transparent, accountable and democratic process of enacting laws; legal certainty; a strong system of representative democracy based on free elections and respecting the rights of opposition; effective control of the conformity of legislation with the constitution; an effective, transparent, participatory and accountable government and administration; an independent and impartial judiciary; independent media; and respect for fundamental rights;***

***deleted***

Or. en

**Amendment 48**

**Kinga Gál, Kārlis Šadurskis**

**Motion for a resolution**

**Recital P**

*Motion for a resolution*

*Amendment*

***P. whereas the common values set out in Article 2 TEU, and proclaimed in the Preambles to the Treaties and the Charter of Fundamental Rights and referred to in the Preamble to the ECHR and in Article 3 of the Statute of the Council of Europe, require a separation of powers between independent institutions based on a correctly functioning system of checks***

***deleted***

*and balances, and whereas core features of these principles include: respect for legality, including a transparent, accountable and democratic process of enacting laws; legal certainty; a strong system of representative democracy based on free elections and respecting the rights of opposition; effective control of the conformity of legislation with the constitution; an effective, transparent, participatory and accountable government and administration; an independent and impartial judiciary; independent media; and respect for fundamental rights;*

Or. en

**Amendment 49**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Recital P a (new)**

*Motion for a resolution*

*Amendment*

*Pa. whereas the Commission, under Article 17 of the Treaty on European Union, ‘ensure[s] the application of the Treaties ... [and] oversee[s] the application of Union law under the control of the Court of Justice of the European Union’;*

Or. fr

**Amendment 50**  
**Josef Weidenholzer**

**Motion for a resolution**  
**Recital Q a (new)**

*Motion for a resolution*

*Amendment*

*Qa. whereas over the course of Hungary’s*

*centuries-long history, the peaceful coexistence of nationalities and ethnic groups has enhanced the nation's cultural richness and its prosperity; and whereas Hungary should be called upon to continue that tradition and take resolute steps to curb any attempts to discriminate against individual groups;*

Or. de

**Amendment 51**  
**Kinga Gál**

**Motion for a resolution**  
**Recital R**

*Motion for a resolution*

R. whereas Hungary is also a party to the International Covenant on Civil and Political Rights and other international legal instruments *obliging it to respect and implement* international democratic principles;

*Amendment*

R. whereas Hungary is also a party to the International Covenant on Civil and Political Rights and other international legal instruments, *it respects and implements all its obligations under international law and* international democratic principles;

Or. en

**Amendment 52**  
**Kinga Gál**

**Motion for a resolution**  
**Recital R a (new)**

*Motion for a resolution*

*Ra. whereas in September 2006 following the leak of former Socialist Prime Minister Ferenc Gyurcsány's speech in which he confessed that during the electoral campaign the Socialist government forged data to hide the real economic situation of the country and*

*Amendment*

*said that they "were lying during morning, night and evening to win the elections" the EU did not taken any steps for intervention and whereas the left-wing block of the EP also blocked to raise the issue within the EP;*

Or. en

**Amendment 53**  
**Kinga Gál**

**Motion for a resolution**  
**Recital R b (new)**

*Motion for a resolution*

*Amendment*

*Rb. whereas in September and October 2006 thousands of people were continuously protesting against the Socialist Government on the streets of Budapest which demonstrations were brutally repressed by the police; whereas masses of severe human rights violations took place against peaceful commemorators; innocent civilians and several journalists were beaten up, tortured and detained unlawfully by the police forces acting on the order of the government infringing the most fundamental rights and human dignity, and all acknowledged European values; and whereas in these cases the European Parliament remained silent;*

Or. en

**Amendment 54**  
**Kinga Gál**

**Motion for a resolution**  
**Recital R c (new)**

*Motion for a resolution*

*Amendment*

***Rc. whereas incontestable evidence has been revealed during the investigation in the 'Portik-Laborc' case proving that during the Socialist government before 2010 the intelligence was in close contact and collaboration with most known actors of organized crime in Hungary, also aiming at discredit the FIDESZ being back then in opposition and to hinder its success in the upcoming 2010 election;***

Or. en

**Amendment 55**  
**Kinga Gál**

**Motion for a resolution**  
**Recital R d (new)**

*Motion for a resolution*

*Amendment*

***Rd. whereas the 8 years of the disastrous economic governance of the Socialists and Liberals between 2002 and 2010 led to the raise of public debt of Hungary from 53 per cent to above 80 per cent of GDP and made Hungary the first EU country to ask for an IMF bailout in 2008 in the beginning of the economic crisis;***

Or. en

**Amendment 56**  
**Ildikó Gáll-Pelcz**

**Motion for a resolution**  
**Recital R e (new)**

*Motion for a resolution*

*Amendment*

***Re. whereas the 8 years of the disastrous***

*economic governance of the Socialists and Liberals between 2002 and 2010 led to the raise of public debt of Hungary from 53 per cent to above 80 per cent of GDP and made Hungary the first EU country to ask for an IMF bailout in 2008 in the beginning of the economic crisis;*

Or. en

**Amendment 57**  
**Kinga Gál**

**Motion for a resolution**  
**Recital S**

*Motion for a resolution*

S. whereas following the 2010 general elections in Hungary the governing majority gained more than two thirds of the seats in parliament, enabling it to *rapidly* initiate *intense* legislative activity to reshape the *whole* constitutional order of the country (the Constitution has been amended twelve times and the Fundamental Law four times so far) and thus substantially modify *the institutional framework as well as a number of fundamental aspects of public life*;

*Amendment*

S. whereas following the 2010 general elections in Hungary the *democratically elected* governing majority gained more than two thirds of the seats in parliament *with a clear mandate to reform and change the non-functioning pillars of the system*, enabling it to initiate legislative activity to reshape the constitutional order of the country (the Constitution has been amended twelve times and the Fundamental Law four times so far) and thus substantially modify *to improve its institutional framework*;

Or. en

**Amendment 58**  
**Kinga Göncz**

**Motion for a resolution**  
**Recital S**

*Motion for a resolution*

S. whereas following the 2010 general elections in Hungary the governing

*Amendment*

S. whereas following the 2010 general elections in Hungary the governing

majority gained more than two thirds of the seats in parliament, enabling it to rapidly initiate intense legislative activity to reshape the whole constitutional order of the country (the Constitution has been amended twelve times and the Fundamental Law four times so far) and thus substantially modify the institutional framework as well as a number of fundamental aspects of public life;

majority gained more than two thirds of the seats in parliament, enabling it to rapidly initiate intense legislative activity to reshape the whole constitutional order of the country (the *former* Constitution has been amended twelve times and the Fundamental Law four times so far) and thus substantially modify the institutional framework as well as a number of fundamental aspects of *not only* public *but also private* life;

Or. en

**Amendment 59**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital S**

*Motion for a resolution*

S. whereas following the 2010 general elections in Hungary the governing majority gained more than two thirds of the seats in parliament, enabling it to rapidly initiate intense legislative activity to reshape the whole constitutional order of the country (the Constitution has been amended twelve times and the Fundamental Law four times so far) and thus substantially modify the institutional framework as well as a number of fundamental aspects of public life;

*Amendment*

S. whereas following the 2010 general elections in Hungary the governing majority gained more than two thirds of the seats in parliament, enabling it to rapidly initiate intense legislative activity to reshape the whole constitutional order of the country (the Constitution has been amended twelve times and the Fundamental Law four times so far) and thus substantially modify the institutional *and legal* framework as well as a number of fundamental aspects of public life;

Or. fr

**Amendment 60**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital T**

*Motion for a resolution*

T. whereas any Member State of the European Union is absolutely free to review its constitution and whereas the very meaning of democratic alternation is that it enables a new government to enact legislation reflecting its values and political commitments;

*Amendment*

T. whereas any Member State of the European Union is absolutely free to review its constitution and whereas the very meaning of democratic alternation is that it enables a new government to enact legislation reflecting its values and political commitments, ***provided that, in so doing, it does not breach the values and principles of democracy and the rule of law prevailing in Europe;***

Or. fr

**Amendment 61**

**Jean-Pierre Audy, Véronique Mathieu Houillon**

**Motion for a resolution**

**Recital T**

*Motion for a resolution*

T. whereas any Member State of the European Union is absolutely free to review its constitution and whereas the very meaning of democratic alternation is that it enables a new government to enact legislation reflecting its values and political commitments;

*Amendment*

T. whereas any Member State of the European Union is absolutely free to review its constitution and whereas the very meaning of democratic alternation is that it enables a new government to enact legislation reflecting ***the will of its people*** and its values and political commitments;

Or. fr

**Amendment 62**

**Frank Engel**

**Motion for a resolution**

**Recital T a (new)**

*Motion for a resolution*

*Amendment*

***Ta. whereas there is not a "best model" throughout the rich and diverse European***



*constitutional heritage, yet in all Member States special constitutional procedures render constitutional amendment more difficult compared to procedures governing ordinary legislation, namely through the use of a qualified majority, additional decisional processes, time delays and referenda, according to national procedures;*

Or. en

### **Amendment 63**

**Jean-Pierre Audy, Véronique Mathieu Houillon**

#### **Motion for a resolution**

##### **Recital U**

###### *Motion for a resolution*

U. whereas the *tumultuous* history of democratic traditions in Europe shows that reforming a constitution requires utmost care and due consideration of procedures and guarantees aimed at preserving, among other things, the rule of law, the separation of powers and the hierarchy of legal norms – the constitution being the supreme law of the land;

###### *Amendment*

U. whereas the history of democratic traditions in Europe shows that reforming a constitution requires utmost care and due consideration of procedures and guarantees aimed at preserving, among other things, the rule of law, the separation of powers and the hierarchy of legal norms – the constitution being the supreme law of the land;

Or. fr

### **Amendment 64**

**Frank Engel**

#### **Motion for a resolution**

##### **Recital V**

###### *Motion for a resolution*

*V. whereas the comprehensive and systematic constitutional and institutional reforms (a root-and-branch revision of the legal system), which the new*

###### *Amendment*

*deleted*

*Hungarian Government has carried out in an exceptionally short time frame<sup>6</sup> is unprecedented, and explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) as well as the U.S. Administration have deemed it necessary to assess the impact of some reforms carried out in Hungary, whereas the situation in other Member States, although following a different pattern, may also need to be monitored, while enforcing the principle of equality of the Member States before the Treaties, and whereas there should be no double standards in the treatment of Member States;*

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<sup>6</sup> See Annex to Working Document No 5.

Or. en

**Amendment 65**  
**Rui Tavares**

**Motion for a resolution**  
**Recital V**

*Motion for a resolution*

V. whereas the comprehensive and systematic constitutional and institutional reforms (a root-and-branch revision of the legal system), which the new Hungarian Government has carried out in an exceptionally short time frame<sup>6</sup> is unprecedented, and explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) as well as the U.S. Administration have deemed it necessary to assess the impact of some reforms carried out in Hungary, whereas the situation in other Member States, although following a different pattern, may also need to be monitored, while enforcing the principle of

*Amendment*

V. whereas the comprehensive and systematic constitutional and institutional reforms (a root-and-branch revision of the legal system), which the new Hungarian Government **and Parliament** has carried out in an exceptionally short time frame<sup>6</sup> is unprecedented, and explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) as well as the U.S. Administration have deemed it necessary to assess the impact of some reforms carried out in Hungary, whereas the situation in other Member States, although following a different pattern, may also need to be monitored, while enforcing the principle of

equality of the Member States before the Treaties, and whereas there should be no double standards in the treatment of Member States;

equality of the Member States before the Treaties, and whereas there should be no double standards in the treatment of Member States;

Or. en

**Amendment 66**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Recital V**

*Motion for a resolution*

V. whereas the comprehensive and systematic constitutional and institutional reforms (*a root-and-branch revision of the legal system*), which the new Hungarian Government *has* carried out in *an exceptionally short time frame<sup>6</sup> is unprecedented, and* explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) *as well as the U.S. Administration* have deemed it necessary to assess the impact of some reforms *carried out in Hungary, whereas* the situation in other Member States, *although* following *a different* pattern, *may also need to be* monitored, *while enforcing* the principle of equality of the Member States before the Treaties, *and whereas there should be no double standards in the treatment of Member States*;

*Amendment*

V. whereas the *scale of the* comprehensive and systematic constitutional and institutional reforms, which the new Hungarian Government carried out in *full compliance with the applicable procedural requirements*, explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) have deemed it necessary to assess the impact of some reforms; *whereas there should be no double standards in the treatment of Member States, thus* the situation in other Member States, following *the same* pattern *should also* be monitored, *otherwise* the principle of equality of the Member States before the Treaties *is not respected*;

Or. en

**Amendment 67**  
**Kinga Gál, Lívia Járóka, Kārlis Šadurskis, Jacek Protasiewicz**

**Motion for a resolution**  
**Recital V**

*Motion for a resolution*

V. whereas the comprehensive and systematic constitutional and institutional reforms (***a root-and-branch revision of the legal system***), which the new Hungarian Government ***has*** carried out in ***an exceptionally short time frame<sup>6</sup> is unprecedented, and*** explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) ***as well as the U.S. Administration*** have deemed it necessary to assess the impact of some reforms ***carried out in Hungary, whereas*** the situation in other Member States, ***although*** following ***a different*** pattern, ***may also need to*** be monitored, ***while enforcing*** the principle of equality of the Member States before the Treaties, ***and whereas there should be no double standards in the treatment of Member States;***

*Amendment*

V. whereas the ***scale of the*** comprehensive and systematic constitutional and institutional reforms, which the new Hungarian Government carried out in ***full compliance with the applicable procedural requirements***, explains why so many European institutions and organisations (the European Union, Council of Europe, OSCE) have deemed it necessary to assess the impact of some reforms; ***whereas there should be no double standards in the treatment of Member States, thus*** the situation in other Member States, following ***the same*** pattern ***should also*** be monitored, ***otherwise*** the principle of equality of the Member States before the Treaties ***is not respected;***

Or. en

**Amendment 68**

**Kinga Gál, Lívia Járóka, Kārlis Šadurskis, Jacek Protasiewicz**

**Motion for a resolution**

**Recital V – footnote 6**

*Motion for a resolution*

***6. See Annex to Working Document No 5.***

*Amendment*

***deleted***

Or. en

**Amendment 69**

**Kinga Gál**

**Motion for a resolution**

**Recital W**

*Motion for a resolution*

W. whereas a *dialogue based on openness, inclusiveness, solidarity and mutual respect* between the European institutions and the Hungarian authorities *is necessary in the framework of the above-mentioned community of democratic* values;

*Amendment*

W. whereas a *cooperative and open dialogue has been continuously taking place* between the European institutions and the Hungarian authorities *on all questions raised by the Commission and whereas Prime Minister Orbán repeatedly assured his openness towards constructive dialogue, as well as the full commitment of the Hungarian Government and Parliament to the European norms and values, among others also reassured in his letter addressed to President Barroso on 8 March 2013;*

Or. en

**Amendment 70**

**Jean-Pierre Audy, Véronique Mathieu Houillon**

**Motion for a resolution**

**Recital W a (new)**

*Motion for a resolution*

*Wa. whereas the Commission, in the exercise of its responsibility for overseeing the application of Union law, has to show the utmost skill, respect the independence of others, and act diligently, swiftly, and without delay, especially when it is called upon to deal with a case in which a Member State may have committed a serious breach of Union values;*

*Amendment*

Or. fr

**Amendment 71**

**Kinga Göncz**

**Motion for a resolution**

**Recital X**

*Motion for a resolution*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the exceptionally short time frame of one month, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

*Amendment*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the exceptionally short time frame of one month *after tabling the draft law*, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

Or. en

**Amendment 72**  
**Frank Engel**

**Motion for a resolution**  
**Recital X**

*Motion for a resolution*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the *exceptionally* short time frame of one month, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

*Amendment*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the short time frame of one month, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

Or. en

**Amendment 73**  
**Jean-Pierre Audy**

## Motion for a resolution

### Recital X

#### *Motion for a resolution*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the exceptionally short time frame of one month, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

#### *Amendment*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the exceptionally short time frame of one month, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text; ***whereas, however, it has not been established that such an exceptionally short time frame was unconstitutional;***

Or. fr

## Amendment 74

Kinga Gál, Lívia Járóka

## Motion for a resolution

### Recital X

#### *Motion for a resolution*

X. whereas the adoption of the Fundamental Law of Hungary – ***which was*** passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – ***was conducted in the exceptionally short time frame of one month, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;***

#### *Amendment*

X. whereas ***a need for a new constitution has been existed since the amendment of the communist 1949 Constitution in 1989, regarded as provisional;*** whereas the adoption of the Fundamental Law of Hungary - passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – ***was finalised after a one-year long preparatory phase and more than one month long parliamentary debate dedicated exclusively to the Constitution-making process, where two opposition***

*parties, based on their own political decision, chose to stay away from the discussions at the parliamentary sessions and remained reluctant to formulate proposals;*

Or. en

**Amendment 75**  
**Rui Tavares**

**Motion for a resolution**  
**Recital X**

*Motion for a resolution*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the exceptionally short time frame of **one month**, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

*Amendment*

X. whereas the adoption of the Fundamental Law of Hungary – which was passed on 18 April 2011, exclusively with the votes of the members of the governing coalition and on the basis of a draft text prepared by the representatives of the governing coalition – was conducted in the exceptionally short time frame of **35 calendar days calculated from the presentation of proposal (T/2627) to the Parliament**, thus restricting the possibilities for a thorough and substantial debate with the opposition parties and civil society on the draft text;

Or. en

**Amendment 76**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital X a (new)**

*Motion for a resolution*

Xa. whereas the draft constitutional text submitted to the Hungarian Parliament on 14 March 2011 was the one produced

*Amendment*

*Xa. whereas the draft constitutional text submitted to the Hungarian Parliament on 14 March 2011 was the one produced*



*by the elected representatives of the Fidesz-KDNP coalition and not the working document based on the discussions within the ad hoc parliamentary committee, even though that committee had been set up expressly for the purpose of drafting the new Fundamental Law; whereas this situation exacerbated the failure to consult the opposition;*

Or. fr

**Amendment 77**  
**Frank Engel**

**Motion for a resolution**  
**Recital Y**

*Motion for a resolution*

*Amendment*

*Y. whereas the ‘national consultation’ on the draft Fundamental Law only consisted of a list of twelve questions on very specific issues drafted by the governing party in a way that could have lead to self-evident replies and which, above all, did not include the text of the draft Fundamental Law so that the public was not in a position to submit its views thereon;*

*deleted*

Or. en

**Amendment 78**  
**Kinga Gál**

**Motion for a resolution**  
**Recital Y**

*Motion for a resolution*

*Amendment*

Y. whereas the ‘national consultation’ on the draft Fundamental Law **only** consisted

Y. whereas the ‘national consultation’ on the draft Fundamental Law consisted of a

of a list of twelve questions on *very* specific issues *drafted by the governing party in a way that could have lead to self-evident replies and which, above all, did not include the text of the draft Fundamental Law so that the public was not in a position to submit its views thereon;*

list of twelve questions on specific issues *with the aim of seeking the opinion of the citizens on a number of fundamental questions instead of commenting on the draft text itself;*

Or. en

**Amendment 79**  
**Kinga Göncz**

**Motion for a resolution**  
**Recital Y**

*Motion for a resolution*

Y. whereas the ‘national consultation’ *on the draft Fundamental Law* only consisted of a list of twelve questions on very specific issues drafted by the governing party in a way that could have *lead* to self-evident replies and which, above all, did not include the text of the draft Fundamental Law so that the public was not in a position to submit its views thereon;

*Amendment*

Y. whereas the ‘national consultation’ *on constitution-making* only consisted of a list of twelve questions on very specific issues drafted by the governing party in a way that could have *led* to self-evident replies and which, above all, did not include the text of the draft Fundamental Law so that the public was not in a position to submit its views thereon;

Or. en

**Amendment 80**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital Y**

*Motion for a resolution*

Y. whereas the ‘national consultation’ on the draft Fundamental Law *only* consisted of a list of twelve questions on very specific issues drafted by the governing

*Amendment*

Y. whereas the ‘national consultation’ on the draft Fundamental Law, *in which constitutional reform was presented to citizens from the outset as a necessity*

party *in a way that could have led to self-evident replies and which, above all*, did not include the text of the draft Fundamental Law so that the *public was not in a position to submit its views thereon*;

*admitting of no other choice*, consisted of a list of twelve questions on very specific issues drafted by the governing party; and *whereas the consultation* did not include the text of the draft Fundamental Law so that the *voters could not possibly have obtained or read the text and therefore could not have been in any real position to decide*;

Or. fr

**Amendment 81**  
**Frank Engel**

**Motion for a resolution**  
**Recital Z**

*Motion for a resolution*

*Amendment*

*Z. whereas following a constitutional petition by the Hungarian Commissioner for Fundamental Rights, the Constitutional Court of Hungary annulled on 28 December 2012 (Decision No 45/2012) more than two thirds of the transitional provisions, on the grounds that they were not of a transitional nature;*

*deleted*

Or. en

**Amendment 82**  
**Kinga Gál**

**Motion for a resolution**  
**Recital Z**

*Motion for a resolution*

*Amendment*

Z. whereas following a constitutional petition by the Hungarian Commissioner for Fundamental Rights, the Constitutional Court of Hungary annulled on 28

Z. whereas following a constitutional petition by the Hungarian Commissioner for Fundamental Rights, the Constitutional Court of Hungary annulled on 28

December 2012 (Decision No 45/2012)  
more than two thirds of the transitional  
provisions, on the *grounds that they were  
not of a transitional nature*;

December 2012 (Decision No 45/2012)  
more than two thirds of the transitional  
provisions *on formal reasons considering  
parts of these being non-transitional,  
stating that "it is a constitutional  
requirement that the Fundamental Law  
can only be modified or amended on the  
basis of Article S) of the Fundamental  
Law. The provisions modifying or  
amending the normative text of the  
Fundamental Law have to be built into  
the normative text of the Fundamental  
Law ("order of incorporation")*";

Or. en

**Amendment 83**  
**Frank Engel**

**Motion for a resolution**  
**Recital AA**

*Motion for a resolution*

*Amendment*

*AA. whereas, despite that Decision, the  
Fourth Amendment to the Fundamental  
Law, adopted on 11 March 2013,  
integrates into the text of the  
Fundamental Law all the transitional  
provisions annulled by the Constitutional  
Court, with the exception of the provision  
requiring electoral registration, as well as  
other previously-annulled provisions;*

*deleted*

Or. en

**Amendment 84**  
**Livia Járóka**

**Motion for a resolution**  
**Recital AA**

*Motion for a resolution*

AA. whereas, ***despite that Decision, the*** Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law all the transitional provisions annulled by the Constitutional Court, with the exception of the provision requiring electoral registration, as well as other previously-annulled provisions;

*Amendment*

AA. whereas, ***following that Decision - stating that permanent constitutional requirements must be formulated in the Fundamental Law instead of transitional provisions - the*** Fourth Amendment to the Fundamental Law adopted on 11 March 2013, integrates into the text of the Fundamental Law all the transitional provisions annulled by the Constitutional Court ***based on formal reasons***, with the exception of the provision requiring electoral registration, as well as other previously-annulled provisions;

Or. en

**Amendment 85**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AA**

*Motion for a resolution*

AA. whereas, ***despite that*** Decision, the Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law ***all the transitional provisions annulled by the Constitutional Court, with the exception of the provision requiring electoral registration, as well as other previously-annulled*** provisions;

*Amendment*

AA. whereas, ***because of the*** Decision, the Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law ***most*** of the ***transitional*** provisions;

Or. en

**Amendment 86**  
**Rui Tavares**

**Motion for a resolution**  
**Recital AA**

*Motion for a resolution*

AA. whereas, ***despite that Decision***, the Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law ***all*** the transitional provisions annulled by the Constitutional Court, ***with the exception of the provision requiring electoral registration***, as well as other ***previously-annulled provisions***;

*Amendment*

AA. whereas the Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law ***most of*** the Transitional Provisions annulled by the Constitutional Court, as well as other ***provisions found unconstitutional previously***;

Or. en

**Amendment 87**

**Jean-Pierre Audy, Véronique Mathieu Houillon**

**Motion for a resolution**

**Recital AA**

*Motion for a resolution*

AA. whereas, ***despite*** that Decision, the Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law all the transitional provisions annulled by the Constitutional Court, with the exception of the provision requiring electoral registration, as well as other previously annulled provisions;

*Amendment*

AA. whereas, ***in the wake of*** that Decision, the Fourth Amendment to the Fundamental Law, adopted on 11 March 2013, integrates into the text of the Fundamental Law all the transitional provisions annulled by the Constitutional Court, with the exception of the provision requiring electoral registration, as well as other previously annulled provisions;

Or. fr

**Amendment 88**

**Ildikó Gáll-Pelcz**

**Motion for a resolution**

**Recital AA a (new)**

*Motion for a resolution*

*Amendment*

***AAa. whereas the debt brake introduced***

*in the Fundamental Law was among the first to enshrine the golden rule on responsible fiscal policy which has become one of the essentials of an emerging European economic union;*

Or. en

**Amendment 89**  
**Kinga Gál, Lívia Járóka**

**Motion for a resolution**  
**Recital AB**

*Motion for a resolution*

AB. whereas the Fundamental Law of Hungary refers to 26 subject matters to be *defined* by cardinal laws (that is laws the adoption of which requires a two-thirds majority), *which cover a wide range of issues relating to Hungary's institutional system, the exercise of fundamental rights and important arrangements in society;*

*Amendment*

AB. whereas the *use of cardinal laws in Hungary has constitutional tradition since 1989, whereas the previous Constitution contained 28 subject matters and the* Fundamental Law of Hungary refers to 26 subject matters (*more or less the same matters*) to be *regulated* by cardinal laws (that is laws the adoption of which requires a two-thirds majority); *and whereas the use of two-thirds majority laws - or so called "organic act" - is common in many other Member States, such as Austria, France, Spain or Romania, and whereas in Austria more than 50 subject matters are to be regulated by two-thirds majority laws;*

Or. en

**Amendment 90**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AC**

*Motion for a resolution*

AC. whereas since the adoption of the

*Amendment*

AC. whereas since the adoption of the

Fundamental Law the parliament has enacted 49 cardinal *laws*<sup>7</sup> (*in one and a half years*);

Fundamental Law the parliament has enacted 49 *laws*<sup>7</sup> *that contain provisions of cardinal law value, in many cases these being simple majority laws which contain only those few provisions requiring two-third majority which amend cardinal laws*;

Or. en

**Amendment 91**  
**Kinga Gál, Lívia Járóka**

**Motion for a resolution**  
**Recital AD**

*Motion for a resolution*

AD. whereas *a number of issues, such as specific aspects of family law and the tax and pension systems, which usually fall under the ordinary decision-making powers of a legislature, are regulated by cardinal laws*;

*Amendment*

AD. whereas *cardinal laws are subject to the control of Constitutional Court in the same manner as ordinary laws*;

Or. en

**Amendment 92**  
**Kinga Gál**

**Motion for a resolution**  
**Heading I - Subheading 5**

*Motion for a resolution*

*Practice of individual members' bills and accelerated procedures*

*Amendment*

*deleted*

Or. en

**Amendment 93**  
**Frank Engel**



**Motion for a resolution**  
**Heading I - Subheading 5**

*Motion for a resolution*

*Amendment*

*Practice of individual members' bills and  
accelerated procedures*

*deleted*

Or. en

**Amendment 94**  
**Josef Weidenholzer**

**Motion for a resolution**  
**Heading I - Subheading 5**

*Motion for a resolution*

*Amendment*

*Practice of individual members' bills and  
accelerated procedures*

*Accelerated legislative procedures,  
practice of individual members' bills,  
parliamentary debate*

Or. en

**Amendment 95**  
**Frank Engel**

**Motion for a resolution**  
**Recital AE**

*Motion for a resolution*

*Amendment*

*AE. whereas important legislation,  
including the Fundamental Law, its  
second and fourth amendments, the  
transitional provisions of the  
Fundamental Law and a number of  
cardinal laws were enacted on the basis of  
individual members' bills, to which the  
rules set out in Act CXXXI of 2010 on the  
participation of civil society in the  
preparation of legislation and in Decree  
24/2011 of the Minister of Public*

*deleted*

*Administration and Justice on preliminary and ex-post impact assessment do not apply, with the consequence that legislation adopted through this streamlined procedure is subject to a restricted public debate;*

Or. en

**Amendment 96**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AE**

*Motion for a resolution*

AE. whereas *important legislation, including the Fundamental Law, its second and fourth amendments, the transitional provisions of the Fundamental Law and a number of cardinal laws were enacted on the basis of individual members' bills, to which the rules set out in Act CXXXI of 2010 on the participation of civil society in the preparation of legislation and in Decree 24/2011 of the Minister of Public Administration and Justice on preliminary and ex-post impact assessment do not apply, with the consequence that legislation adopted through this streamlined procedure is subject to a restricted public debate;*

*Amendment*

AE. whereas *the use of the individual members' bills procedure is in full compliance with the applicable procedural requirements, and is part of the democratic legislative process;*

Or. en

**Amendment 97**  
**Frank Engel**

**Motion for a resolution**  
**Recital AF**

*Motion for a resolution*

*Amendment*

***AF. whereas the adoption of a large number of cardinal laws in a very short time frame, including the acts on the legal status and remuneration of judges of Hungary and on the organisation and administration of courts of Hungary, as well as the acts on the freedom of religion and on the National Bank of Hungary, inevitably restricted the possibilities for an adequate consultation of the opposition parties and the civil society;***

*deleted*

Or. en

**Amendment 98**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AF**

*Motion for a resolution*

*Amendment*

***AF. whereas the adoption of a large number of cardinal laws in a very short time frame, including the acts on the legal status and remuneration of judges of Hungary and on the organisation and administration of courts of Hungary, as well as the acts on the freedom of religion and on the National Bank of Hungary, inevitably restricted the possibilities for an adequate consultation of the opposition parties and the civil society;***

***AF. whereas the adoption of all the cardinal laws safeguarded all the legal requirements foreseen for adoption of such laws, when enacted on the basis of individual members' bills in full accordance with the procedural requirements to initiate legislation and with the longstanding constitutional right of an individual MP right to submit bills to the Parliament;***

Or. en

**Amendment 99**  
**Josef Weidenholzer, Birgit Sippel**

**Motion for a resolution**  
**Recital AF**

*Motion for a resolution*

AF. whereas the adoption of a large number of cardinal laws in a very short time frame, including the acts on the legal status and remuneration of judges of Hungary and on the organisation and administration of courts of Hungary, as well as the acts on the freedom of religion and on the National Bank of Hungary, inevitably restricted the possibilities for an adequate consultation of the opposition parties and the civil society;

*Amendment*

AF. whereas the adoption of a large number of cardinal laws in a very short time frame, including the acts on the legal status and remuneration of judges of Hungary and on the organisation and administration of courts of Hungary, as well as the acts on the freedom of religion and on the National Bank of Hungary, inevitably restricted the possibilities for an adequate consultation of the opposition parties and the civil society, ***including dialogue between management and labour and the machinery for consulting civil society organisations, trade unions, and interest groups***;

Or. de

**Amendment 100**  
**Josef Weidenholzer**

**Motion for a resolution**  
**Recital AF a (new)**

*Motion for a resolution*

**Amendment 101**  
**Rui Tavares**

**Motion for a resolution**  
**Recital AF b (new)**

*Amendment*

***AFa. whereas the Act XXXVI of 2012 on the National Assembly has vested the Speaker of the Parliament with an extensive discretionary power to limit MPs' free expression in the Parliament;***

Or. en

*Motion for a resolution*

*Amendment*

***AFb. whereas, under the Fundamental Law, the possibility for two new kinds of constitutional complaint to the Constitutional Court has been introduced, while the actio popularis for ex post review has been abolished;***

Or. en

**Amendment 102**  
**Kinga Gál**

**Motion for a resolution**  
**Heading I - Subheading 6**

*Motion for a resolution*

*Amendment*

***Weakening of*** checks and balances:  
Constitutional Court, Parliament, Data  
Protection Authority

Checks and balances: Constitutional Court,  
Parliament, Data Protection Authority

Or. en

**Amendment 103**  
**Frank Engel**

**Motion for a resolution**  
**Recital AG**

*Motion for a resolution*

*Amendment*

***AG. whereas, under the Fundamental Law, the powers of the Constitutional Court to review budget-related laws have been substantially limited to violations of an exhaustive list of rights, thus obstructing the review of constitutionality in cases of breaches of other fundamental rights, such as the right to property, the right to a fair trial and the right not to be discriminated against;***

*deleted*

**Amendment 104**  
**Rui Tavares**

**Motion for a resolution**  
**Recital AG**

*Motion for a resolution*

AG. whereas, under the Fundamental Law, the powers of the Constitutional Court *to* review budget-related laws have been substantially limited to violations of an exhaustive list of rights, thus obstructing the review of constitutionality in cases of breaches of other fundamental rights, such as the right to property, the right to a fair trial and the right not to be discriminated against;

*Amendment*

AG. whereas, under the Fundamental Law, the powers of the Constitutional Court *of ex post* review *of the constitutionality of* budget-related laws *from a substantive point of view* have been substantially limited to violations of an exhaustive list of rights, thus obstructing the review of constitutionality in cases of breaches of other fundamental rights, such as the right to property, the right to a fair trial and the right not to be discriminated against;

Or. en

**Amendment 105**  
**Kinga Gál, Frank Engel, Véronique Mathieu Houillon**

**Motion for a resolution**  
**Recital AG**

*Motion for a resolution*

AG. whereas, under the *Fundamental Law, the powers of the* Constitutional Court *to review budget-related laws have been substantially limited to violations of an exhaustive list of rights, thus obstructing the review of constitutionality in cases of breaches of other fundamental rights, such as the right to property, the right to a fair trial and the right not to be discriminated against;*

*Amendment*

AG. whereas under the *1989 constitutional regime the newly established Hungarian Constitutional Court received the broadest possible powers that can be delegated to a court of its kind, and whereas after twenty years of jurisprudence there was a broad consensus – even by members of the Court – that the powers of the Constitutional Court should be revised; and whereas in several Member States does not even exist the institute of a separate constitutional court at all (e.g.*

*among others in Finland or in Greece, or the Danish system of courts, which are based on a unified structure, or in Ireland, where Supreme Court can deal with constitutional issues);*

Or. en

**Amendment 106**  
**Kinga Gál, György Schöpflin**

**Motion for a resolution**  
**Recital AG a (new)**

*Motion for a resolution*

*Amendment*

*AGa. whereas, under the Fundamental Law, the powers of the Constitutional Court to review budget-related laws are temporary in nature and limited in scope; and whereas the constitutional rules on the powers of the Constitutional Court regarding budget-related laws do not affect the right of the Constitutional Court regarding the unlimited ex ante review of all budget-related legislative acts, regarding the unlimited ex post review of all legal acts other than acts of Parliament (e.g. government decrees), regarding the full ex ante and ex post review of all budget-related legislative acts from a procedural point of view and regarding full ex ante and ex post review of all budget-related legislative acts with regard to their compliance with international treaty obligations;*

Or. en

**Amendment 107**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AG b (new)**

*Motion for a resolution*

*Amendment*

***AGb. whereas the Constitutional Court may ensure an effective fundamental rights protection even under the scope of restriction;***

Or. en

**Amendment 108**

**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Georgios Papanikolaou**

**Motion for a resolution**

**Recital AH**

*Motion for a resolution*

*Amendment*

AH. whereas the Fourth Amendment of the Fundamental Law ***left untouched the already existing right of*** the Constitutional Court to review amendments to the Fundamental Law on procedural grounds, ***and whereas it excludes in the future the Court being able to review*** constitutional amendments ***on substantive grounds;***

AH. whereas the Fourth Amendment of the Fundamental Law ***introduces for the first time an explicit reference enabling*** the Constitutional Court to review amendments to the Fundamental Law on procedural grounds; ***whereas the Constitutional Court never had competence to review constitutional amendments on substantive grounds stated by the Constitutional Court in its interpretation several times; and whereas the assessment of the Venice Commission on the review of constitutional amendments by constitutional courts concludes that this is a rare feature of constitutional jurisdiction, and that "such a control cannot therefore be considered as a requirement of the rule of law" (paragraph 49 of Opinion No. 679/2012 on the Revision of the Constitution of Belgium); and whereas in several Member States the competences of the constitutional court is limited or restricted to a certain type of procedures, furthermore, there is no legal regulation for the competences of the constitutional court regarding the supervision of the constitution or any amendments thereof***



*among others in Austria, Lithuania,  
Slovenia, France or Portugal;*

Or. en

**Amendment 109**  
**Kinga Gál, György Schöpflin**

**Motion for a resolution**  
**Recital AI**

*Motion for a resolution*

AI. whereas the Constitutional Court, in its *above-mentioned* Decision 45/2012, held that *‘Constitutional legality has not only procedural, formal and public law validity requirements, but also substantial ones. The constitutional criteria of a democratic State under the rule of law are at the same time constitutional values, principles and fundamental democratic freedoms enshrined in international treaties and accepted and acknowledged by communities of democratic States under the rule of law, as well as the ius cogens, which is partly the same as the foregoing. As appropriate, the Constitutional Court may even examine the free enforcement and the constitutionalisation of the substantial requirements, guarantees and values of democratic States under the rule of law.’ (Point IV.7 of the Decision);*

*Amendment*

AI. whereas the Constitutional Court, in its Decision 61/2011 held that *"one of the most important arguments against the extension of the powers of the Constitutional Court to the review of the Constitution is that the Constitutional Court cannot create and cannot alter the Constitution which it is designed to protect and which it must apply as a yardstick in the course of the constitutional review of legislation. This is confirmed by the fact that, throughout its operation, the Constitutional Court has consistently refused to review the Constitution or its provisions. (...) Within the system of the division of powers, the power of the Constitutional Court, too, is a limited power. Following from this, the Constitutional Court will not draw the review the Constitution and new amendments to the Constitution within its competence without express authorisation in the Constitution."*

Or. en

**Amendment 110**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AJ**

*Motion for a resolution*

AJ. whereas the Fourth Amendment of the Fundamental Law further stipulates that the rulings of the Constitutional Court adopted before the entry into force of the Fundamental Law shall be repealed, **and reintroduces into** the Fundamental Law **a number of provisions previously annulled by the** Constitutional Court<sup>8</sup> ;

*Amendment*

AJ. whereas the Fourth Amendment of the Fundamental Law further stipulates that the rulings of the Constitutional Court adopted before the entry into force of the Fundamental Law shall be repealed (**just as it happened in Poland in 1997 when the new Constitution entered into force**), and **whereas it should be however emphasized that with this decision the Parliament made it clear that the Constitutional Court was not tied to its decisions adopted on the basis of the former Constitution and that it may come to the same conclusions as before, nor does this provision prevent the Constitutional Court from referring to its earlier decisions as they form part of the so-called historical constitution (constitutional traditions) of Hungary that is specifically recognised by the Fundamental Law as a source of interpretation; and whereas the Constitutional Court has exactly done this in its Decision 10/2013. (IV. 25.) or Resolution No. III/3440/2012, when referring to pre-existing Constitutional Court decisions;**

Or. en

**Amendment 111**  
**Josef Weidenholzer**

**Motion for a resolution**  
**Recital AJ**

*Motion for a resolution*

AJ. whereas the Fourth Amendment of the Fundamental Law further stipulates that the rulings of the Constitutional Court adopted before the entry into force of the Fundamental Law shall be repealed, and **reintroduces** into the Fundamental Law a

*Amendment*

AJ. whereas the Fourth Amendment of the Fundamental Law further stipulates that the rulings of the Constitutional Court adopted before the entry into force of the Fundamental Law shall be repealed, and **by doing so explicitly contradicts to the**

number of provisions previously *annulled* by the Constitutional Court<sup>8</sup> ;

*Constitutional Court's Decision No 22/2012 in which the Court established that its statements made on the fundamental values, human rights and freedoms and on the constitutional institutions that have not been changed fundamentally by the Fundamental Law, remain valid; whereas the Fourth Amendment reintroduced into the Fundamental Law a number of provisions previously declared unconstitutional by the Constitutional Court;*

Or. en

**Amendment 112**  
**Ildikó Gáll-Pelcz**

**Motion for a resolution**  
**Recital AK**

*Motion for a resolution*

AK. whereas *a non-parliamentary body, the Budget Council, with limited democratic legitimacy, has been granted the power to veto the adoption of the general budget, thus restricting the scope for action of the democratically elected legislature;*

*Amendment*

AK. whereas *the establishment of a Budget Council with strong powers over national spending was required under the 2008 IMF loan and EU balance of payment assistance agreement in order to limit the powers of political parties to adopt irresponsible budgetary measures, because the democratically elected socialist governments between 2002 and 2010 paid no attention to fiscal reality or the long-term financial interests of the country; and whereas the 2012 country-specific recommendations endorsed by the European Council called for further strengthening of this institution;*

Or. en

**Amendment 113**  
**Claude Moraes**

**Motion for a resolution**

**Recital AK**

*Motion for a resolution*

AK. whereas a non-parliamentary body, the Budget Council, with limited democratic legitimacy, has been granted the power to veto the adoption of the general budget, thus restricting the scope for action of the democratically elected legislature;

*Amendment*

AK. whereas a non-parliamentary body, the Budget Council, with limited democratic legitimacy, has been granted the power to veto the adoption of the general budget, thus restricting the scope for action of the democratically elected legislature ***and allowing the President of the Republic to dissolve the Parliament;***

Or. en

**Amendment 114**

**Ildikó Gáll-Pelcz**

**Motion for a resolution**

**Recital AK a (new)**

*Motion for a resolution*

*Amendment*

***AKa. whereas the Budget Council may exercise a veto only as a last resort exceptional measure, when Parliament is to adopt a budget leading to the growth of state indebtedness; and whereas otherwise the ordinary function of the Council is to undertake a preliminary review of the draft national budget and to make recommendations;***

Or. en

**Amendment 115**

**Kinga Gál, Lívia Járóka**

**Motion for a resolution**

**Recital AL**

*Motion for a resolution*

AL. whereas the new Freedom of Information Act, adopted in July 2011, ***abolished the institution*** of the Commissioner on Data Protection and Freedom of Information, thus ***prematurely terminating the six-year-long mandate of the Commissioner and transferring its powers to the newly-established National Agency for Data Protection whose independence is currently under review by the Court of Justice of the European Union;***

*Amendment*

AL. whereas the new Freedom of Information Act, adopted in July 2011, ***reformed the data protection institution by establishing the National Authority for Data Protection instead*** of the Commissioner on Data Protection and Freedom of Information, thus ***transferring its powers to the newly-established Authority with a new status which attaches legal consequences to its procedures; whereas in its Decision No. 3076/2013. the Constitutional Court confirmed that the restructuring of an organisation may be an explicit constitutional reason for the shortening of the mandate of civil servants; whereas the independence of the new National Authority for Data Protection has not been questioned by the European Commission and as regards the independence of the Authority the Venice Commission acknowledged that it is far better ensured in Hungary than in many other European states; and whereas the European Commission initiated infringement procedure on the legality of the termination of the mandate of the former Commissioner for Data Protection, which case is currently pending before the European Court of Justice;***

Or. en

**Amendment 116**  
**Rui Tavares**

**Motion for a resolution**  
**Recital AL**

*Motion for a resolution*

AL. whereas the new Freedom of Information Act, adopted in July 2011,

*Amendment*

AL. whereas the new Freedom of Information Act, adopted in July 2011,

abolished the institution of the Commissioner on Data Protection and Freedom of Information, thus prematurely terminating the six-year-long mandate of the Commissioner and transferring its powers to the newly-established National *Agency* for Data Protection *whose independence is* currently under review by the Court of Justice of the European Union;

abolished the institution of the Commissioner on Data Protection and Freedom of Information, thus prematurely terminating the six-year-long mandate of the Commissioner and transferring its powers to the newly-established National *Authority* for Data Protection; *whereas such changes are* currently under review by the Court of Justice of the European Union;

Or. en

### **Amendment 117**

**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Georgios Papanikolaou**

#### **Motion for a resolution**

##### **Recital AM**

###### *Motion for a resolution*

AM. whereas the Commission initiated an infringement procedure against Hungary on 8 June 2012, declaring that Hungary had failed to fulfil its obligations under Directive 95/46/EC by removing the data protection supervisor from office before the end of the mandate, *thus putting at risk the independence of the office*;

###### *Amendment*

AM. whereas the Commission initiated an infringement procedure against Hungary on 8 June 2012, declaring that Hungary had failed to fulfil its obligations under Directive 95/46/EC by removing the data protection supervisor from office before the end of the mandate; *whereas the case is currently pending before the European Court of Justice*;

Or. en

### **Amendment 118**

**Frank Engel**

#### **Motion for a resolution**

##### **Recital AN**

###### *Motion for a resolution*

*AN. whereas, according to the Fundamental Law and its transitional provisions, the six-year-long mandate of*

###### *Amendment*

*deleted*

*the former President of the Supreme Court (renamed the 'Kúria') was prematurely ended after two years;*

Or. en

**Amendment 119**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AN**

*Motion for a resolution*

AN. whereas, according to the Fundamental Law and its transitional provisions, the six-year-long mandate of the former President of the Supreme Court *(renamed the 'Kúria') was prematurely ended after two years;*

*Amendment*

AN. whereas, according to the Fundamental Law and its transitional provisions, the six-year-long mandate of the former President of the Supreme Court *was ended after two years, as the position ceased to exist in its original form due to the complete restructuring of the judiciary and the changes in the functions of the president and the vice-president of the Kúria; and whereas in its Decision No. 3076/2013. the Constitutional Court held that such an institutional restructuring was a sufficient ground for the early termination of the office of the President, as well as in its Decision No. 45/2012 these rules have been recognised as real and valid transitional provisions; furthermore whereas the European Commission has opted not to initiate an infringement procedure on this issue;*

Or. en

**Amendment 120**  
**Rui Tavares**

**Motion for a resolution**  
**Recital AP**

*Motion for a resolution*

AP. whereas key safeguards for judicial independence, such as irremovability, guaranteed term of office, the structure and composition of the governing bodies, are not regulated in the **Constitution** but are – together with detailed rules on the organization and administration of the judiciary – still set out in the amended cardinal laws,

*Amendment*

AP. whereas key safeguards for judicial independence, such as irremovability, guaranteed term of office, the structure and composition of the governing bodies, are not regulated in the **Fundamental Law** but are – together with detailed rules on the organization and administration of the judiciary – still set out in the amended cardinal laws,

Or. en

**Amendment 121**

**Kinga Gál, Lívia Járóka, Kārlis Šadurskis**

**Motion for a resolution**

**Recital AP**

*Motion for a resolution*

AP. whereas key safeguards for judicial independence, such as irremovability, guaranteed term of office, the structure and composition of the governing bodies, are not regulated in the Constitution but are – together with detailed rules on the organization and administration of the judiciary – still set out in the amended cardinal laws,

*Amendment*

AP. whereas key safeguards for judicial independence, such as irremovability, guaranteed term of office, the structure and composition of the governing bodies, are not regulated in the Constitution but are – together with detailed rules on the organization and administration of the judiciary – still set out in the amended cardinal laws; ***whereas it should be emphasized that the former Constitution did not contain more detailed rules on these issues either, and those have never been criticised; whereas, therefore thus the provisions of the Fundamental Law cannot be regarded as setbacks at any ways; and whereas in certain Member States the constitution does not refer to the judicial structure of the given country at all, or does not include any detailed regulation related to this (e.g. among others in Austria, France, Estonia, Finland or Germany);***



**Amendment 122**  
**Livia Járóka**

**Motion for a resolution**  
**Recital AQ**

*Motion for a resolution*

*Amendment*

*AQ. whereas the independence of the Constitutional Court is not set forth in the Fundamental Law of Hungary and neither is the independence of the autonomous administration of the judiciary;*

*deleted*

**Amendment 123**  
**Edit Bauer**

**Motion for a resolution**  
**Recital AQ**

*Motion for a resolution*

*Amendment*

*AQ. whereas the independence of the Constitutional Court is not set forth in the Fundamental Law of Hungary and neither is the independence of the autonomous administration of the judiciary;*

*deleted*

**Amendment 124**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AQ**

*Motion for a resolution*

AQ. whereas the ***independence*** of the Constitutional Court ***is not set forth in the Fundamental Law of Hungary and neither is the independence*** of the ***autonomous administration of the judiciary***;

*Amendment*

AQ. whereas the ***Fundamental Law defines*** the Constitutional Court ***as an autonomous organ regulated in a chapter separated from that of any other state organ; and whereas the Cardinal Act on Constitutional Court explicitly states that the Members*** of the ***Constitutional Court are independent and only subordinated to law***;

Or. en

**Amendment 125**

**Juan Fernando López Aguilar**

**Motion for a resolution**

**Recital AQ**

*Motion for a resolution*

AQ. whereas the independence of the Constitutional Court is not set forth in the Fundamental Law of Hungary and neither is the independence of the ***autonomous*** administration of the judiciary;

*Amendment*

AQ. whereas the independence of the Constitutional Court is not set forth in the Fundamental Law of Hungary and neither is the independence of the administration of the judiciary;

Or. en

**Amendment 126**

**Kinga Gál**

**Motion for a resolution**

**Recital AQ a (new)**

*Motion for a resolution*

***AQa. whereas the respective Act on the judiciary states - and it also follows from the Fundamental Law - that due to the principle of lawful judge, no one can be deprived from his/her legal judge, thus the***

*Amendment*

*purpose of the rule on case-transfer is to guarantee the fundamental right to a decision within a reasonable time and to distribute the case-loads of courts evenly; and whereas the procedure of allocation of a case has to be initiated by the court in charge with sound justification and never initiated by the President of the National Judicial Office;*

Or. en

**Amendment 127**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AR**

*Motion for a resolution*

AR. whereas *the amendment of the cardinal laws on the judiciary as regards the power of the President of the National Judicial Office to transfer cases from the presiding court to another court to ensure the adjudication of cases within a reasonable period of time neither lays down objective criteria for the selection of the cases to be transferred nor entrusts the National Judicial Council with the mandate to adopt objective selection criteria;*

*Amendment*

AR. whereas *according to the Fourth Amendment of the Fundamental Law the system of transfer of cases is being revised (Bill T/10593), and further constitutional guarantees were introduced: only groups of cases not individual cases may be transferred to other courts, the President of the National Judicial Office has no influence whatsoever on which court hears a given case, meaning the regulation does not provide for the possibility of an ad hoc or ad personam appointment of the proceeding judge or chamber; whereas the details of the new mechanism were elaborated in consultation with the European Commission; and whereas the possibility of transfer of cases exists in the Netherlands as well regulated by the new Law on the Judiciary (Wet op de rechterlijke organisatie) that came into force on 1 January 2013;*

Or. en

**Amendment 128**  
**Juan Fernando López Aguilar**

**Motion for a resolution**  
**Recital AR**

*Motion for a resolution*

AR. whereas the amendment of the cardinal laws on the judiciary as regards the power of the President of the National Judicial Office to transfer cases from the presiding court to another court to ensure the adjudication of cases within a reasonable period of time *neither lays down objective criteria for the selection of the cases to be transferred nor entrusts the National Judicial Council with the mandate to adopt objective selection criteria;*

*Amendment*

AR. whereas the amendment of the cardinal laws on the judiciary as regards the power of the President of the National Judicial Office to transfer cases from the presiding court to another court to ensure the adjudication of cases within a reasonable period of time *fails to lay down objective normative criteria for the selection of the cases to be transferred;*

Or. en

**Amendment 129**  
**Juan Fernando López Aguilar**

**Motion for a resolution**  
**Recital AT**

*Motion for a resolution*

AT. whereas the Decision of the Court of Justice of the European Union, adopted on 6 November 2012, states that the radical lowering of the retirement age for Hungarian judges from 70 to 62 years of age constitutes unjustified discrimination on grounds of age, and whereas two complaints were submitted by two groups of Hungarian judges to the ECtHR on 20 June 2012 seeking a ruling to establish that Hungary's legislation on lowering the retirement age for judges violates the ECHR;

*Amendment*

AT. whereas the Decision of the Court of Justice of the European Union, adopted on 6 November 2012, states that the radical lowering of the retirement age for Hungarian judges *as well as prosecutors and notaries* from 70 to 62 years of age constitutes unjustified discrimination on grounds of age, and whereas two complaints were submitted by two groups of Hungarian judges to the ECtHR on 20 June 2012 seeking a ruling to establish that Hungary's legislation on lowering the retirement age for judges violates the ECHR;

**Amendment 130**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AU**

*Motion for a resolution*

AU. whereas on 11 March 2013 the Hungarian Parliament adopted Act No XX of 2013 amending the upper age limits with a view to complying with the rulings of the Hungarian Constitutional Court of 16 July 2012 and of the Court of Justice of the European Union of 6 November 2012;

*Amendment*

AU. whereas on 11 March 2013 the Hungarian Parliament adopted Act No XX of 2013 amending the upper age limits with a view to complying with the rulings of the Hungarian Constitutional Court of 16 July 2012 and of the Court of Justice of the European Union of 6 November 2012; ***whereas, the Hungarian Government regularly informed the Commission on the developments; whereas in its letter to Vice-President Reding from 17 May 2013 Deputy Prime Minister Tibor Navraacsics submitted all the data proving the execution of the CJEU judgement;***

**Amendment 131**  
**Rui Tavares**

**Motion for a resolution**  
**Recital AU**

*Motion for a resolution*

AU. whereas on 11 March 2013 the Hungarian Parliament adopted Act No XX of 2013 amending the upper age limits with a view to complying with the rulings of the Hungarian Constitutional Court of 16 July 2012 and of the Court of Justice of the European Union of 6 November 2012;

*Amendment*

AU. whereas on 11 March 2013 the Hungarian Parliament adopted Act No XX of 2013 amending the upper age limits with a view to ***partly*** complying with the rulings of the Hungarian Constitutional Court of 16 July 2012 and of the Court of Justice of the European Union of 6 November 2012;

**Amendment 132**  
**Josef Weidenholzer, Sylvie Guillaume**

**Motion for a resolution**  
**Recital AU a (new)**

*Motion for a resolution*

*Amendment*

*AUa. whereas the governing majority in Parliament reformed the election system in a unilateral manner without striving for consensus with the opposition,*

Or. en

**Amendment 133**  
**Juan Fernando López Aguilar**

**Motion for a resolution**  
**Recital AU b (new)**

*Motion for a resolution*

*Amendment*

*AUb. whereas the Venice Commission and the OSCE/ODIHR prepared a joint opinion on the Act on the Election of Members of Parliament of Hungary on 15 and 16 June 2012,*

Or. en

**Amendment 134**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AV**

*Motion for a resolution*

*Amendment*

AV. whereas as part of the recent electoral reform the Hungarian Parliament passed, on 26 November 2012, on the basis of an

AV. whereas as part of the recent electoral reform the Hungarian Parliament passed, on 26 November 2012, on the basis of an

individual member's bill, the Act on the election procedure, which aimed to replace the previous automatic voter registration of all citizens with residence in Hungary by a system of voluntary registration as a condition for exercising the individual's right to vote,

individual member's bill *in full accordance with the procedural requirements of legislative initiative*, the Act on the election procedure, which aimed to replace the previous automatic voter registration of all citizens with residence in Hungary by a system of voluntary registration as a condition for exercising the individual's right to vote,

Or. en

**Amendment 135**  
**Jan Kozłowski**

**Motion for a resolution**  
**Recital AV a (new)**

*Motion for a resolution*

*Amendment*

*AVa. Whereas the recent survey of Zero Project 2013 in cooperation with 374 persons with disabilities, experts and academics as well as NGOs, foundations and international organizations in 116 countries and the World Future Council states that in Hungary any voter with disabilities receives all necessary support to vote in secret.*

Or. en

**Amendment 136**  
**Dieter-Lebrecht Koch**

**Motion for a resolution**  
**Recital AV b (new)**

*Motion for a resolution*

*Amendment*

*AVb. Whereas the recent survey of Zero Project 2013 in cooperation with 374 persons with disabilities, experts and academics as well as NGOs, foundations*

*and international organizations in 116 countries and the World Future Council states that in Hungary any voter with disabilities receives all necessary support to vote in secret in contrast to the practice of other EU Member States;*

Or. en

**Amendment 137**  
**Jan Kozłowski**

**Motion for a resolution**  
**Recital AV c (new)**

*Motion for a resolution*

*Amendment*

*AVc. Whereas one of the principles of the Act XXXVI of 2013 on the election procedure in Hungary (Article 2) expressly prescribes that the need of people with disabilities, including people with mental health disabilities, shall be taken into account in accordance with the support of the chosen person by the disabled or two persons from the local electoral committee to help the disabled person to vote if he/she personally requests (Article 181);*

Or. en

**Amendment 138**  
**Dieter-Lebrecht Koch**

**Motion for a resolution**  
**Recital AV d (new)**

*Motion for a resolution*

*Amendment*

*AVd. Whereas one of the principles of the Act XXXVI of 2013 on the election procedure in Hungary (Article 2) expressly prescribes that the need of*



*people with disabilities, including people with mental health disabilities, shall be taken into account in accordance with the support of the chosen person by the disabled or two persons from the local electoral committee to help the disabled person to vote if he/she personally requests (Article 181);*

Or. en

**Amendment 139**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AW**

*Motion for a resolution*

AW. whereas the Second Amendment of the Fundamental Law enshrining the requirement of voter registration was tabled as an individual member's bill on the same day as the draft law on the election procedure, namely on 18 September 2012, and was adopted on 29 October 2012,

*Amendment*

AW. whereas the Second Amendment of the Fundamental Law enshrining the requirement of voter registration was tabled as an individual member's bill *in full accordance with the procedural requirements of legislative initiative* on the same day as the draft law on the election procedure, namely on 18 September 2012, and was adopted on 29 October 2012,

Or. en

**Amendment 140**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AX**

*Motion for a resolution*

AX. whereas, following the petition of the President of the Republic of 6 December 2012, the Constitutional Court established that the registration requirement represents an undue restriction on the voting rights of

*Amendment*

AX. whereas *as a clear proof of functioning of checks and balances* following the petition of the President of the Republic of 6 December 2012, the Constitutional Court established that the

Hungarian residents, and is therefore unconstitutional,

registration requirement represents an undue restriction on the voting rights of Hungarian residents, and is therefore unconstitutional, *while considering voter registration for citizens residing abroad as justified; and whereas Parliament respecting the ruling of the Constitutional Court withdrew the debated provisions from the code on the electoral procedure;*

Or. en

**Amendment 141**  
**Edit Bauer**

**Motion for a resolution**  
**Recital AY**

*Motion for a resolution*

*Amendment*

*AY. whereas, while considering voter registration for citizens residing abroad as justified, the Constitutional Court in its decision of 4 January 2013 further held that exclusion of the possibility of personal registration of voters without an address living in Hungary is discriminatory and that the provisions allowing the publication of political advertisements only in the public media service during the electoral campaign, and the rules banning the publication of public opinion polls within six days before the elections, disproportionately limit freedom of expression and freedom of the press,*

*deleted*

Or. en

**Amendment 142**  
**Kinga Gál**

**Motion for a resolution**  
**Recital AY**

*Motion for a resolution*

AY. whereas, *while considering voter registration for citizens residing abroad as justified, the Constitutional Court in its decision of 4 January 2013 further held that exclusion of the possibility of personal registration of voters without an address living in Hungary is discriminatory and* that the provisions allowing the publication of political advertisements only in the public media service during the electoral campaign, and the *rules banning* the publication of *public* opinion polls *within six days before the elections, disproportionately limit freedom of expression and freedom of the press,*

*Amendment*

AY. whereas *the aim of rules on the political advertisements in the Fourth Amendment was to create truly equal opportunities for the political parties in the electronic media as well as reduce campaign costs and contribute to the transparency and verifiability of campaign financing; whereas the Constitutional Court in its above Decision held* that the provisions allowing the publication of political advertisements only in the public media service during the electoral campaign, *constitute a disproportionate limitation of the freedom of expression and the freedom of the press; and whereas the electoral provisions have been revised in view of the Decision, thus the restrictions on* the publication of opinion polls *have been lifted and the rules of political advertisements have been amended as follows: internet, billboard, cinema, newspaper etc. advertisements will be unconstrained, and audio-visual advertising can only take place through the national media under pre-established, proportionate conditions, free of charge; whereas the consultations concerning the application of these rules are in progress with the European Commission;*

Or. en

**Amendment 143**  
**Kinga Gál**

**Motion for a resolution**  
**Recital BD**

*Motion for a resolution*

BD. whereas Member States have a duty to constantly promote and protect freedom of

*Amendment*

BD. whereas Member States have a duty to constantly promote and protect freedom of

opinion, expression, information and the media, and whereas, *should these freedoms be placed at serious risk or violated in a Member State*, the Union *is obliged to* intervene *in a timely and effective fashion*, on the basis of its competences as enshrined in the Treaties *and in the Charter*, to protect the European *democratic and pluralistic order and* fundamental rights;

opinion, expression, information and the media, and whereas, the Union *may* intervene on the basis of its competences as enshrined in the Treaties, to protect the European fundamental rights;

Or. en

#### **Amendment 144** **Kinga Gál**

##### **Motion for a resolution** **Recital BF**

###### *Motion for a resolution*

BF. whereas criticism of *a number of the* provisions of Hungarian Media *legislation* has been voiced by Parliament and the Commission, the OSCE Representative on Freedom of the Media and the Council of Europe Commissioner for Human Rights, as well as by the Secretary General of the Council of Europe, the UN Special Rapporteur on the promotion of right to freedom of opinion and expression, and by a large number of international and national journalists' organisations, editors and publishers, NGOs active in the area of human rights and civil liberties, and Member States;

###### *Amendment*

BF. whereas criticism of *several* provisions of Hungarian Media *regulation* has been voiced by Parliament and the Commission, the OSCE Representative on Freedom of the Media and the Council of Europe Commissioner for Human Rights, as well as by the Secretary General of the Council of Europe, the UN Special Rapporteur on the promotion of right to freedom of opinion and expression, and by a large number of international and national journalists' organisations, editors and publishers, NGOs active in the area of human rights and civil liberties, and Member States; *whereas much of this criticism has subsequently turned out to be unfounded and unjustified*;

Or. en

#### **Amendment 145** **Kinga Gál**

## Motion for a resolution

### Recital BJ

#### *Motion for a resolution*

BJ. whereas the Commission has raised concerns regarding the conformity of the Hungarian media law with the Audiovisual Media Services Directive and the *acquis communautaire* in general, notably in relation to the obligation to offer balanced coverage applicable to all audiovisual media service providers, and has also questioned whether that law complies with the principle of proportionality and respects the fundamental right to freedom of expression and information enshrined in Article 11 of the Charter, the country of origin principle and registration requirements, and whereas, in March 2011, following negotiations with the Commission, the Hungarian Parliament amended the *law to address the points raised by the Commission*;

#### *Amendment*

BJ. whereas the Commission has raised concerns regarding the conformity of the Hungarian media law with the Audiovisual Media Services Directive and the *acquis communautaire* in general, notably in relation to the obligation to offer balanced coverage applicable to all audiovisual media service providers, and has also questioned whether that law complies with the principle of proportionality and respects the fundamental right to freedom of expression and information enshrined in Article 11 of the Charter, the country of origin principle and registration requirements, and whereas, in March 2011, following negotiations with the Commission, the Hungarian Parliament amended the *regulation according to the negotiation between the parties*;

Or. en

## Amendment 146

### Kinga Gál

## Motion for a resolution

### Recital BK

#### *Motion for a resolution*

BK. whereas the OSCE has expressed serious reservations regarding the material and territorial scope of Hungarian legislation, the politically homogeneous composition of the Media Authority and Media Council, the disproportionate penalties imposed, the lack of an automatic procedure for suspending penalties in the event of an appeal to the courts against a Media Authority ruling, the violation of the principle of the confidentiality of

#### *Amendment*

BK. whereas the OSCE has expressed serious, *in certain issues factually mistaken*, reservations regarding the material and territorial scope of Hungarian legislation, the politically homogeneous composition of the Media Authority and Media Council, the disproportionate penalties imposed, the lack of an automatic procedure for suspending penalties in the event of an appeal to the courts against a Media Authority ruling, the violation of the

journalistic sources and the protection of family values;

principle of the confidentiality of journalistic sources and the protection of family values;

Or. en

**Amendment 147**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital BL a (new)**

*Motion for a resolution*

*Amendment*

*BLa. whereas, despite the fact that the laws were amended in 2011 following negotiations with the European Commission and in May 2012 further to the decision of the Constitutional Court of December 2011, the OSCE Representative on Freedom of the Media has deplored that several amendments were introduced and adopted at short notice without consulting stakeholders and that fundamental elements in the legislation have not been improved, notably the appointment of the president and members of the Media Authority and Media Council, their power over content in the broadcast media, the imposition of high fines and the lack of safeguards on the financial and editorial independence of public broadcasters;*

Or. fr

**Amendment 148**  
**Kinga Gál**

**Motion for a resolution**  
**Recital BN**

*Motion for a resolution*

BN. whereas an analysis by Council of Europe experts<sup>11</sup> (which assessed compliance of the Media Acts as proposed for amendment in 2012 with Council of Europe standard-setting texts in the field of media and freedom of expression) recommended that specific provisions on registration and transparency, content regulation, obligations on news coverage, protection of sources, public service media and regulatory bodies be thoroughly revised, clarified or in some cases eliminated;

*Amendment*

BN. whereas an analysis by Council of Europe experts (which assessed compliance of the Media Acts as proposed for amendment in 2012 with Council of Europe standard-setting texts in the field of media and freedom of expression) recommended that specific provisions on registration and transparency, content regulation, obligations on news coverage, protection of sources, public service media and regulatory bodies be thoroughly revised, clarified or in some cases eliminated; ***and whereas on the basis of this analysis and on the Decision No.165/2011 of the Hungarian Constitutional Court, the Parliament, in July 2012, adopted the Act LXVI of 2012 amending the media legislation, which was prepared in consultation with the Council of Europe, establishing the procedural guarantees of the right to the protection of sources of information, narrowing the scope of the Press and Media Act as to press products, and creating a framework for the constitutional operation of the Media and Communications Commissioner;***

Or. en

**Amendment 149**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Recital BO**

*Motion for a resolution*

***BO. whereas, despite the fact that the laws were amended in 2011 following negotiations with the European Commission and in May 2012 further to the decision of the Constitutional Court of***

*Amendment*

***deleted***

*December 2011, the OSCE Representative on Freedom of the Media has deplored that several amendments were introduced and adopted at short notice without consulting stakeholders and that fundamental elements in the legislation have not been improved, notably the appointment of the president and members of the Media Authority and Media Council, their power over content in the broadcast media, the imposition of high fines and the lack of safeguards on the financial and editorial independence of public broadcasters;*

Or. fr

**Amendment 150**  
**Frank Engel**

**Motion for a resolution**  
**Recital BO**

*Motion for a resolution*

*Amendment*

*BO. whereas, despite the fact that the laws were amended in 2011 following negotiations with the European Commission and in May 2012 further to the decision of the Constitutional Court of December 2011, the OSCE Representative on freedom of the Media has deplored that several amendments were introduced and adopted at short notice without consulting stakeholders and that fundamental elements in the legislation have not been improved, notably the appointment of the president and members of the Media Authority and Media Council, their power over content in the broadcast media, the imposition of high fines and the lack of safeguards on the financial and editorial independence of public broadcasters;* *deleted*

Or. en



**Amendment 151**  
**Claude Moraes**

**Motion for a resolution**  
**Recital BO**

*Motion for a resolution*

BO. whereas, despite the fact that the laws were amended in 2011 following negotiations with the European Commission and in May 2012 further to the decision of the Constitutional Court of December 2011, the OSCE Representative on freedom of the Media has deplored that several amendments were introduced and adopted at short notice without consulting stakeholders and that fundamental elements in the legislation have not been improved, notably the appointment of the president and members of the Media Authority and Media Council, their power over content in the broadcast media, the imposition of high fines and the lack of safeguards on the financial and editorial independence of public broadcasters;

*Amendment*

BO. whereas, despite the fact that the laws were amended in 2011 following negotiations with the European Commission and in May 2012 further to the decision of the Constitutional Court of December 2011 ***overturning several provisions as unconstitutional regarding the content regulation of the printed press, the protection of the sources of journalists, the requirement of data provision, and the institution of the Media and Telecommunications Commissioner***, the OSCE Representative on freedom of the Media has deplored that several amendments were introduced and adopted at short notice without consulting stakeholders and that fundamental elements in the legislation have not been improved, notably the appointment of the president and members of the Media Authority and Media Council, their power over content in the broadcast media, the imposition of high fines and the lack of safeguards on the financial and editorial independence of public broadcasters;

Or. en

**Amendment 152**  
**Kinga Gál**

**Motion for a resolution**  
**Recital BP**

*Motion for a resolution*

BP. whereas, ***further to*** the dialogue conducted with the EU and the Secretary General of the Council of Europe through an exchange of letters and expert meetings, further legal amendments were ***tabled in February 2013*** in order to strengthen ***and guarantee the independence*** of the media regulatory bodies, notably in respect of the rules relating to the conditions of the appointment and election of the President of the ***National Media and Infocommunications Authority*** and the Media Council ***and concerning, respectively, the nomination procedure, the person making the appointment and repeated appointment;***

*Amendment*

BP. whereas, ***as a result of*** the dialogue conducted with the EU and the Secretary General of the Council of Europe through an exchange of letters and expert meetings, further legal amendments were ***adopted on 25 March 2013 by the Act XXXIII of 2013*** in order to strengthen ***the independence of the President*** of the Media Authority, to ***preclude the possibility of re-appointment of the President*** of the Authority as well as ***of the re-election*** of the Members of the Media Council, to set out legal obligations to consult NGOs and to take their proposals into consideration in the nomination procedure, to set higher professional requirements for the appointment of the President of the Authority and the Members of the Media Council, and to maintain only the requirement of 'balanced' coverage, while repealing the adjectives 'comprehensive, factual, up-to-date, objective' as suggested by the Council of Europe; and whereas all the above steps prove the constructiveness of the Hungarian government in considering the criticism and suggestions to the media regulation, as these amendments were favourably received and deemed to constitute appropriate guarantees by the Secretary General of the Council of Europe;

Or. en

**Amendment 153**  
**Frank Engel**

**Motion for a resolution**  
**Recital BQ**

*Motion for a resolution*

BQ. whereas the Fourth Amendment

*Amendment*

BQ. whereas the ***Hungarian Authorities***

imposes press restrictions as it bans all political advertising during electoral campaigns except for advertising in the public media;

*are in the process of reviewing the* Fourth Amendment *that* imposes press restrictions as it bans all political advertising during electoral campaigns except for advertising in the public media;

Or. en

**Amendment 154**  
**Josef Weidenholzer**

**Motion for a resolution**  
**Recital BQ**

*Motion for a resolution*

BQ. whereas the Fourth Amendment imposes press restrictions as it bans all political advertising during electoral campaigns except for advertising in the public media;

*Amendment*

BQ. whereas the Fourth Amendment imposes press restrictions as it bans all political advertising during electoral campaigns except for advertising in the public media; ***and also imposes a broad and potentially vague prohibition on speech aimed at violating the dignity of groups, including the Hungarian nation, that may be used to arbitrarily interfere with freedom of expression and may have a chilling effect on journalists, and also on artists and others;***

Or. en

**Amendment 155**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Recital BQ**

*Motion for a resolution*

BQ. whereas the Fourth Amendment ***imposes press restrictions as it bans*** all political ***advertising during electoral campaigns except for advertising in the public media;***

*Amendment*

BQ. whereas the Fourth Amendment ***ensures the publication of political advertisings via public media (radio and television) on an equal basis and free of charge, and it does not affect at all***

political *advertisings not displayed through broadcasting services (e.g. posters, flyers, internet); whereas similar restriction exists in a number of European countries, such as France and Italy and was also recognised by the European Court of Human Rights in one of its recent judgments; and whereas the Hungarian Government is in consultation with the European Commission with a view to fine-tuning the rules on political advertising;*

Or. en

### **Amendment 156**

**Kinga Gál, Véronique Mathieu Houillon, Georgios Papanikolaou**

#### **Motion for a resolution**

#### **Recital BQ**

##### *Motion for a resolution*

BQ. whereas the Fourth Amendment *imposes press restrictions as it bans all political advertising during electoral campaigns except for advertising in the public media;*

##### *Amendment*

BQ. whereas the Fourth Amendment *ensures the publication of political advertisings via public media (radio and television) on an equal basis and free of charge, and it does not affect at all political advertisings not displayed through broadcasting services (e.g. posters, flyers, internet); whereas similar restriction exists in a number of European countries, such as France and Italy and was also recognised by the European Court of Human Rights in one of its recent judgments; and whereas the Hungarian Government is in consultation with the European Commission with a view to fine-tuning the rules on political advertising;*

Or. en

**Amendment 157**  
**Kinga Gál**

**Motion for a resolution**  
**Recital BR**

*Motion for a resolution*

*Amendment*

***BR. whereas the National Media and Infocommunications Authority and the Media Council have not conducted assessments on the effects of the legislation on the quality of journalism, the degrees of editorial freedom and the quality of working conditions for journalists;***

***deleted***

Or. en

**Amendment 158**  
**Claude Moraes, Sarah Ludford, Cecilia Wikström, Josef Weidenholzer, Juan Fernando López Aguilar, Boris Zala, Hannu Takkula**

**Motion for a resolution**  
**Recital BS**

*Motion for a resolution*

*Amendment*

BS. whereas the respect for the rights of persons belonging to minorities is explicitly recognised among the values referred to in Article 2 TEU and the Union is committed to promoting these values and combating social exclusion and discrimination;

BS. whereas the respect for the rights of persons belonging to minorities is explicitly recognised among the values referred to in Article 2 TEU and the Union is committed to promoting these values and combating social exclusion, ***racism, anti-Semitism*** and discrimination;

Or. en

**Amendment 159**  
**Josef Weidenholzer**

**Motion for a resolution**  
**Recital BS a (new)**

*Motion for a resolution*

*Amendment*

***BSa. whereas the right not to suffer discrimination is a fundamental right enshrined in Article 21 of the Charter of Fundamental Rights;***

Or. de

**Amendment 160**

**Kinga Gál, Edit Bauer, László Tóké, Livia Járóka**

**Motion for a resolution**

**Recital BS a (new)**

*Motion for a resolution*

*Amendment*

***BSa. whereas the Hungarian government adopted the Act CCIII of 2011 (currently Act XXXVI of 2013) on the elections of the Members of Parliament of Hungary, which allows minority representatives for the first time to gain a seat in the Parliament, thus finally assures the political representation of minorities, requested over almost for two decades; and whereas the adopted Act CLXXIX of 2011 on the Rights of Minorities recognises and guarantees rights to its thirteen recognised nationalities and their members in the main areas of interest for the protection of their identity - education, culture, private and public use of the mother tongue, access to media and participation - and aims to improve and strengthen the available institutional arrangements for nationality self-government in these areas; and whereas in its Opinion CDL-AD(2012)011 the Venice Commission confirms that "Hungary has continued to pay particular attention to the promotion and protection of minority rights and to make specific efforts to ensure protection and preservation of the ethnic, cultural and***

*linguistic identity, traditions and cultural heritage of its nationalities";*

Or. en

**Amendment 161**

**Claude Moraes, Sarah Ludford, Cecilia Wikström, Josef Weidenholzer, Juan Fernando López Aguilar, Boris Zala, Hannu Takkula**

**Motion for a resolution**

**Recital BT**

*Motion for a resolution*

BT. whereas the responsibility of Member States to ensure that the fundamental rights of all are respected, irrespective of their ethnicity or belief, covers all levels of public administration as well as the law enforcement authorities and also implies actively promoting tolerance and firmly condemning phenomena such as racial violence *and* hate speech;

*Amendment*

BT. whereas the responsibility of Member States to ensure that the fundamental rights of all are respected, irrespective of their ethnicity or belief, covers all levels of public administration as well as the law enforcement authorities and also implies actively promoting tolerance and firmly condemning phenomena such as racial violence, *anti-Semitic and anti-Roma* hate speech, *particularly when it is expressed in official or public forums including in the Hungarian parliament*;

Or. en

**Amendment 162**

**Kinga Gál**

**Motion for a resolution**

**Recital BT a (new)**

*Motion for a resolution*

*BTa. whereas the Fourth Amendment of the Hungarian Fundamental Law states that the right to freedom of speech may not be exercised with the aim of violating the human dignity of other people introducing the sanctioning of hate-speech in the highest level of legislation,*

*welcomed by several minority organisations, and whereas this type of regulation exists in a very few other Member States;*

Or. en

**Amendment 163**  
**Edit Bauer**

**Motion for a resolution**  
**Recital BU**

*Motion for a resolution*

*Amendment*

*BU. whereas the lack of reaction by the law enforcement authorities in cases of racially motivated crime<sup>12</sup> has resulted in mistrust of the police forces;*

*deleted*

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<sup>12</sup> *Report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/20/33/Add. 1)*

Or. en

**Amendment 164**  
**Livia Járóka, Kinga Gál**

**Motion for a resolution**  
**Recital BU**

*Motion for a resolution*

*Amendment*

BU. whereas the lack of reaction by the law enforcement authorities in cases of racially motivated crime<sup>12</sup> has resulted in mistrust of the police forces;

BU. whereas the lack **and inadequacy** of reaction by the law enforcement authorities **during the previous government** in cases of racially motivated crime<sup>12</sup> - **most notably in the case of the 2008-2009 'Roma killings', the most serious series of crime in Hungarian criminal history -, as well as in the case of violence against**



*peaceful commemorators and innocent civilians by police forces in the autumn of 2006 acting on the orders of the government, infringing the most fundamental rights, human dignity and all acknowledged European values, has resulted in mistrust of the police forces;*

Or. en

**Amendment 165**  
**Edit Bauer**

**Motion for a resolution**  
**Recital BW**

*Motion for a resolution*

*BW. whereas, although intolerance against the members of Roma and Jewish communities is not a problem solely associated with Hungary and other Member States are faced with the same predicament, recent events have raised concerns as to the increase in anti-Roma and anti-Semitic discourse in Hungary;*

*Amendment*

*deleted*

Or. en

**Amendment 166**  
**Livia Járóka**

**Motion for a resolution**  
**Recital BW**

*Motion for a resolution*

BW. whereas, although intolerance against the members of Roma and Jewish communities is not a problem solely associated with Hungary and other Member States are faced with the same predicament, recent events have raised concerns as to the increase in anti-Roma

*Amendment*

BW. whereas, although intolerance against the members of Roma and Jewish communities is not a problem solely associated with Hungary and other Member States are faced with the same predicament, recent events have raised concerns as to the increase in anti-Roma

and anti-Semitic discourse in Hungary;

and anti-Semitic discourse in Hungary;  
*whereas the firm stance and zero tolerance of the Hungarian government against any incident of a racist motive, the repeated public stances of both the President and the Prime Minister against all forms of racism and intolerance, as well as the positive steps taken on the matter, (such as criminalising Holocaust-denial, establishing the Holocaust Remembrance Day, introducing Roma and Jewish history in the national curricula or dedicating 2014 as the Hungarian Holocaust Memorial Year) must be acknowledged;*

Or. en

#### **Amendment 167**

**Claude Moraes, Sarah Ludford, Cecilia Wikström, Josef Weidenholzer, Juan Fernando López Aguilar, Boris Zala, Hannu Takkula**

#### **Motion for a resolution**

#### **Recital BW**

##### *Motion for a resolution*

BW. whereas, although intolerance against the members of Roma and Jewish communities is not a problem solely associated with Hungary and other Member States are faced with the same predicament, recent events have raised concerns as to the increase in anti-Roma and anti-Semitic *discourse* in Hungary;

##### *Amendment*

BW. whereas, although intolerance against the members of Roma and Jewish communities is not a problem solely associated with Hungary and other Member States are faced with the same predicament, recent events have raised concerns as to the increase in anti-Roma and anti-Semitic *hate speech* in Hungary;

Or. en

#### **Amendment 168**

**Josef Weidenholzer**

#### **Motion for a resolution**

#### **Recital BW a (new)**

*Motion for a resolution*

*Amendment*

***BWa. whereas the imposition of retroactive tax and pensions legislation has increased social vulnerability and poverty on a massive scale, a fact which is not only causing great uncertainty among the people, but also constitutes a violation of private ownership rights and is undermining fundamental civil liberties;***

Or. de

**Amendment 169**  
**Frank Engel**

**Motion for a resolution**  
**Heading I - Subheading 11**

*Motion for a resolution*

*Amendment*

***Freedom of religion and recognition of churches***

***deleted***

Or. en

**Amendment 170**  
**Frank Engel**

**Motion for a resolution**  
**Recital BX**

*Motion for a resolution*

*Amendment*

***BX. whereas freedom of thought, conscience and religion as enshrined in Article 9 of the ECHR and Article 10 of the Charter is one of the foundations of a democratic society, and whereas the role of the State in this respect should be that of a neutral and impartial guarantor of the right to exercise various religions, faiths and beliefs;***

***deleted***

**Amendment 171**

**Kinga Gál, László Surján, Kārlis Šadurskis, Jacek Protasiewicz**

**Motion for a resolution**

**Recital BX**

*Motion for a resolution*

**BX.** whereas freedom of thought, conscience and religion as enshrined in Article 9 of the ECHR and Article 10 of the Charter *is one of the foundations of a democratic society, and whereas the role of the State in this respect should be that of a neutral and impartial guarantor of the right to exercise various religions, faiths and beliefs;*

*Amendment*

**BX.** whereas freedom of thought, conscience and religion as enshrined in Article 9 of the ECHR and Article 10 of the Charter, *and whereas according to the Treaty of Lisbon the legislation on the relation between the State and the churches belongs to the Member States' competence; thus there are many differences in how churches are recognized in Member States from official state religion (e.g.: Denmark, Greece, Malta) up to solely operating in the form of associations (e.g.: France);*

**Amendment 172**

**Frank Engel**

**Motion for a resolution**

**Recital BY**

*Motion for a resolution*

**BY.** *whereas the Act on Churches established a new legal regime for the regulation of religious associations and churches in Hungary which imposed a set of requirements for the recognition of churches and made such recognition conditional on prior approval by the parliament by a two-thirds majority;*

*Amendment*

*deleted*

**Amendment 173**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital BY**

*Motion for a resolution*

BY. whereas *the Act on Churches established a new legal regime for the regulation of religious associations and churches in Hungary which imposed a set of requirements for the recognition of churches and made such recognition conditional on prior approval by the parliament by a two-thirds majority;*

*Amendment*

BY. whereas *the freedom of religion is entirely ensured by the Fundamental Law (Article VII) stating that "everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to choose or change religion or any other persuasion, and the freedom for every person to proclaim, refrain from proclaiming, profess or teach his or her religion or any other persuasion by performing religious acts, ceremonies or in any other way, whether individually or jointly with others, in the public domain or in his or her private life. (...) The Churches shall be autonomous and the State shall cooperate with the Churches for community goals";*

Or. en

**Amendment 174**  
**Frank Engel**

**Motion for a resolution**  
**Recital BZ**

*Motion for a resolution*

*BZ. whereas the obligation set out in the Act on Churches to obtain recognition by the parliament as a condition to establish a church was deemed by the Venice Commission<sup>13</sup> to be a restriction of the freedom of religion;*

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*Amendment*

*deleted*

<sup>13</sup> *Venice Commission Opinion 664/2012 of 19 March 2012 on Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities of Hungary (CDL-AD(2012)004).*

Or. en

**Amendment 175**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital BZ**

*Motion for a resolution*

BZ. whereas the *obligation set out in the Act on Churches to obtain recognition by the parliament as a condition to establish a church was deemed by the Venice Commission<sup>13</sup> to be a restriction of the freedom of religion;*

*Amendment*

BZ. whereas the *Opinion No CDL-AD(2012)004 of the Venice Commission underlined that the Hungarian regulation in place „constitutes a liberal and generous framework for the freedom of religion.”;*

Or. en

**Amendment 176**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital BZ – footnote 13**

*Motion for a resolution*

*13. Venice Commission Opinion 664/2012 of 19 March 2012 on Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities of Hungary (CDL-AD(2012)004).*

*Amendment*

*deleted*

Or. en

**Amendment 177**  
**Frank Engel**

**Motion for a resolution**  
**Recital CA**

*Motion for a resolution*

*CA. whereas as a result of the entry into force of retroactive provisions of the Act on Churches more than 300 registered churches lost their legal status of church;*

*Amendment*

*deleted*

Or. en

**Amendment 178**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital CA**

*Motion for a resolution*

*CA. whereas as a result of the entry into force of retroactive provisions of the Act on Churches more than 300 registered churches lost their legal status of church;*

*Amendment*

*CA. whereas due to the loopholes in the previous regulation more than 300 state-subsidised registered churches operated in Hungary (among others church of the UFO-believers, of witches, etc.) many of them misusing the offered benefits, not conducting religious activity; and whereas following the new regulations more than 30 are already granted a state-subsidised church status, these covering more than 90% of the Hungarian believers;*

Or. en

**Amendment 179**  
**Frank Engel**

**Motion for a resolution**  
**Recital CB**

*Motion for a resolution*

*Amendment*

***CB. whereas at the request of several religious communities and the Hungarian Commissioner for Fundamental Rights, the Constitutional Court examined the constitutionality of the provisions of the Act on Churches and declared in its Decision 6/2013 of 26 February 2013 some of them unconstitutional and annulled them with retroactive effect;***

***deleted***

Or. en

**Amendment 180**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital CB**

*Motion for a resolution*

*Amendment*

***CB. whereas at the request of several religious communities and the Hungarian Commissioner for Fundamental Rights, the Constitutional Court examined the constitutionality of the provisions of the Act on Churches and declared in its Decision 6/2013 of 26 February 2013 some of them unconstitutional and annulled them with retroactive effect;***

***CB. whereas the specific concerns raised by the Constitutional Court on the recognition of state subsidized churches have been addressed by Parliament under a new bill (No. T/10750) amending the Act on Churches, according to which the proposed new legislation sets out clear conditions for recognition as a state subsidized church, contains an obligation for detailed reasoning of a decision which refuses church status, specifies deadlines for the procedure of recognition and ensures the possibility of legal remedy at the Constitutional Court in cases of refusal or lack of a decision. Any religious community can freely use the denomination "church";***

Or. en



**Amendment 181**  
**Frank Engel**

**Motion for a resolution**  
**Recital CC**

*Motion for a resolution*

*Amendment*

*CC. whereas the Constitutional Court in that Decision, while not questioning the right of the parliament to specify the substantive conditions for recognition as a church, considered that the recognition of church status by a vote in Parliament might result in politically biased decisions, and whereas the Constitutional Court declared that the Act did not contain any obligation to provide detailed reasoning of a decision which refuses recognition of church status, that no deadlines were specified for the parliament's actions and that the Act did not ensure the possibility of legal remedy in cases of refusal or lack of a decision;*

*deleted*

Or. en

**Amendment 182**  
**Edit Bauer**

**Motion for a resolution**  
**Recital CC**

*Motion for a resolution*

*Amendment*

*CC. whereas the Constitutional Court in that Decision, while not questioning the right of the parliament to specify the substantive conditions for recognition as a church, considered that the recognition of church status by a vote in Parliament might result in politically biased decisions, and whereas the Constitutional Court declared that the Act did not contain any obligation to provide detailed reasoning of a decision which refuses*

*deleted*

*recognition of church status, that no deadlines were specified for the parliament's actions and that the Act did not ensure the possibility of legal remedy in cases of refusal or lack of a decision;*

Or. en

**Amendment 183**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital CC**

*Motion for a resolution*

*Amendment*

*CC. whereas the Constitutional Court in that Decision, while not questioning the right of the parliament to specify the substantive conditions for recognition as a church, considered that the recognition of church status by a vote in Parliament might result in politically biased decisions, and whereas the Constitutional Court declared that the Act did not contain any obligation to provide detailed reasoning of a decision which refuses recognition of church status, that no deadlines were specified for the parliament's actions and that the Act did not ensure the possibility of legal remedy in cases of refusal or lack of a decision;*

*deleted*

Or. en

**Amendment 184**  
**Rui Tavares**

**Motion for a resolution**  
**Recital CC**

*Motion for a resolution*

*Amendment*

CC. whereas the Constitutional Court in

CC. whereas the Constitutional Court in

that Decision, while not questioning the right of the parliament to specify the substantive conditions for recognition as a church, considered that the recognition of church status by a vote in Parliament might result in politically biased decisions, and whereas the Constitutional Court declared that the Act did not contain any obligation to provide detailed reasoning of a decision which refuses recognition of church status, that no deadlines were specified for the parliament's actions and that the Act did not ensure the possibility of legal remedy in cases of refusal or lack of a decision;

that Decision, while not questioning the right of the parliament to specify the substantive conditions for recognition as a church, considered that the recognition of church status by a vote in Parliament might result in politically biased decisions, and whereas the Constitutional Court declared that the Act did not contain any obligation to provide detailed reasoning of a decision which refuses recognition of church status, that no deadlines were specified for the parliament's actions and that the Act did not ensure the possibility of *effective* legal remedy in cases of refusal or lack of a decision;

Or. en

**Amendment 185**  
**Frank Engel**

**Motion for a resolution**  
**Recital CD**

*Motion for a resolution*

*Amendment*

*CD. whereas the Fourth Amendment to the Fundamental Law, adopted two weeks after the decision of the Constitutional Court, amended Article VII of the Fundamental Law and elevated to the level of the constitution the power of the parliament to pass cardinal laws to recognise certain organisations engaged in religious activities as churches, thus overruling the Constitutional Court's decision;*

*deleted*

Or. en

**Amendment 186**  
**Edit Bauer**

**Motion for a resolution**  
**Recital CD**

*Motion for a resolution*

*Amendment*

***CD. whereas the Fourth Amendment to the Fundamental Law, adopted two weeks after the decision of the Constitutional Court, amended Article VII of the Fundamental Law and elevated to the level of the constitution the power of the parliament to pass cardinal laws to recognise certain organisations engaged in religious activities as churches, thus overruling the Constitutional Court's decision;***

*deleted*

Or. en

**Amendment 187**  
**Kinga Gál, László Surján**

**Motion for a resolution**  
**Recital CD**

*Motion for a resolution*

*Amendment*

***CD. whereas the Fourth Amendment to the Fundamental Law, adopted two weeks after the decision of the Constitutional Court, amended Article VII of the Fundamental Law and elevated to the level of the constitution the power of the parliament to pass cardinal laws to recognise certain organisations engaged in religious activities as churches, thus overruling the Constitutional Court's decision;***

*deleted*

Or. en

**Amendment 188**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Recital CD a (new)**

*Motion for a resolution*

*Amendment*

***- Whereas the elements of the constitutional system of the Member States fall into the competencies of the European Commission, the European Parliament and which parts belong solely to the competences of the Member States according to the Lisbon Treaty are not defined,***

Or. en

**Amendment 189**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Recital CD b (new)**

*Motion for a resolution*

*Amendment*

***- Whereas the norms of democracy and the rule of law equally valid to each Member State are not defined precisely and consistently,***

Or. en

**Amendment 190**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Recital CD c (new)**

*Motion for a resolution*

*Amendment*

***- Whereas this resolution refers to a single Member State without examining how the norms asserted herein are implemented in other Member States and without comparing them with each other,***

Or. en

**Amendment 191**  
**Ágnes Hankiss**

**Motion for a resolution**  
**Subheading 12 a (new)**

*Motion for a resolution*

*Amendment*

***I suggest that the entire report should be dismissed and removed from the agenda.***

Or. en

**Amendment 192**  
**Marie-Christine Vergiat**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

*Amendment*

1. Recalls that respect for legality, including a transparent, accountable and democratic process of enacting laws, and for a strong system of representative democracy based on free elections and respecting the rights of the opposition are key elements of the concepts of democracy and the rule of law as enshrined in Article 2 TEU and proclaimed in the Preambles to both the Treaty on the European Union and the Charter;

1. Recalls that respect for legality, including a transparent, accountable and democratic process of enacting laws ***and adopting a Fundamental Law***, and for a strong system of representative democracy based on free elections and respecting the rights of the opposition are key elements of the concepts of democracy and the rule of law as enshrined in Article 2 TEU and proclaimed in the Preambles to both the Treaty on the European Union and the Charter;

Or. fr

**Amendment 193**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Recalls that *respect for legality, including a transparent, accountable and democratic process of enacting laws, and for a strong system of representative democracy based on free elections and respecting the rights of the opposition are key elements of the concepts of democracy and the rule of law as enshrined in Article 2 TEU and proclaimed in the Preambles to both the Treaty on the European Union and the Charter,*

*Amendment*

1. Recalls that *the "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 persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" as enshrined in Article 2 TEU;*

Or. en

**Amendment 194**

**Kinga Gál, Véronique Mathieu Houillon, Kārlis Šadurskis, Georgios Papanikolaou**

**Motion for a resolution  
Paragraph 1**

*Motion for a resolution*

1. Recalls that *respect for legality, including a transparent, accountable and democratic process of enacting laws, and for a strong system of representative democracy based on free elections and respecting the rights of the opposition are key elements of the concepts of democracy and the rule of law as enshrined in Article 2 TEU and proclaimed in the Preambles to both the Treaty on the European Union and the Charter,*

*Amendment*

1. Recalls that *the "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 persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" as enshrined in Article 2 TEU;*

Or. en

**Amendment 195**

**Jean-Pierre Audy, Véronique Mathieu Houillon**

**Motion for a resolution  
Paragraph 2**

*Motion for a resolution*

2. Firmly reiterates that, while the drafting and the adoption of a new constitution falls within the scope of Member States' competences, Member States and the EU have the responsibility to ensure that the constitutional processes and the contents of constitutions are in conformity with the common values of the Union, the Charter and the ECHR;

*Amendment*

2. Firmly reiterates that, while the drafting and the adoption of a new constitution falls within the scope of Member States' competences, Member States and the EU have the responsibility to ensure that the constitutional processes and the contents of constitutions are in conformity with ***the commitments entered into by every Member State under the EU Accession Treaties, that is to say***, the common values of the Union, the Charter and the ECHR;

Or. fr

**Amendment 196**  
**Birgit Sippel, Josef Weidenholzer**

**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

***2a. Regrets that, from the point of view of protecting European core values, the EU institutions have not always managed in the past to live up to their own standards; maintains, therefore, that it falls to them in particular to take a stand in order to safeguard European fundamental rights as referred to in Article 2 TEU, both at Union level and in Member States;***

Or. de

**Amendment 197**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 3**



*Motion for a resolution*

*Amendment*

**3. Regrets that the process of drafting and adopting the Fundamental Law of Hungary lacked the transparency, openness, inclusiveness and ultimately the consensual basis that could be expected in a modern democratic constituent process, thus weakening the legitimacy of the Fundamental Law itself,**

*deleted*

Or. en

**Amendment 198  
Edit Bauer**

**Motion for a resolution  
Paragraph 3**

*Motion for a resolution*

*Amendment*

**3. Regrets that the process of drafting and adopting the Fundamental Law of Hungary lacked the transparency, openness, inclusiveness and ultimately the consensual basis that could be expected in a modern democratic constituent process, thus weakening the legitimacy of the Fundamental Law itself,**

*deleted*

Or. en

**Amendment 199  
Kinga Gál**

**Motion for a resolution  
Paragraph 3**

*Motion for a resolution*

*Amendment*

**3. Regrets that the *process of drafting and adopting* the Fundamental Law of Hungary *lacked the transparency, openness,***

**3. *Takes note* that the *adoption of* the Fundamental Law of Hungary *was finalised after a one-year long***

*inclusiveness and ultimately the consensual basis that could be expected in a modern democratic constituent process, thus weakening the legitimacy of the Fundamental Law itself,*

*preparatory phase and more than one month long parliamentary debate dedicated exclusively to the Constitution-making process, where two opposition parties, based on their own political decision, chose to stay away from the discussions at the parliamentary sessions and remained reluctant to formulate proposals, as well as that 'national consultation' took place on the draft Fundamental Law;*

Or. en

**Amendment 200**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. **Regrets** that the process of drafting and adopting the Fundamental Law of Hungary **lacked the** transparency, openness, inclusiveness and ultimately the consensual basis that could be expected in a modern democratic constituent process, **thus weakening the legitimacy of the Fundamental Law itself,**

*Amendment*

3. **Considers** that the process of drafting and adopting the Fundamental Law of Hungary **might have benefited from greater** transparency, openness, **and** inclusiveness and ultimately **a more substantial** consensual basis **of the kind** that could be expected in a modern democratic constituent process;

Or. fr

**Amendment 201**  
**Jan Kozłowski**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

**3a. Welcomes that the Fundamental Law of Hungary reiterates as well as reaffirms the articles of the Charter of the**

*Amendment*

*Fundamental Rights of the European Union and Hungary, as the fourth country in the EU, recognizes the Hungarian sign language (HSL) as a fully fledged language and it defends the HSL as part of Hungarian culture in Article H.*

Or. en

**Amendment 202**  
**Dieter-Lebrecht Koch**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

*3a. Welcomes that the Fundamental Law of Hungary reiterates as well as reaffirms the articles of the Charter of the Fundamental Rights of the European Union and Hungary, as the fourth country in the EU, recognizes the Hungarian sign language (HSL) as a fully fledged language and it defends the HSL as part of Hungarian culture in Article H.*

Or. en

**Amendment 203**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

*Amendment*

*4. Takes note of the above-mentioned Decision of 28 December 2012 of the Constitutional Court declaring that the Hungarian Parliament exceeded its legislative authority when it enacted a*

*deleted*

*number of transitional provisions of the Fundamental Law containing permanent and general rules,*

Or. en

**Amendment 204**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Takes note of the above-mentioned Decision of 28 December 2012 of the Constitutional Court declaring that *the Hungarian Parliament exceeded its legislative authority when it enacted a number of transitional provisions of the Fundamental Law containing permanent and general rules,*

*Amendment*

4. Takes note of the above-mentioned Decision of 28 December 2012 of the Constitutional Court declaring that *"it is the task and the responsibility of the constituent power to clear up the situation after the partial annulment. The Parliament shall make an evident and clear legal situation. The Parliament shall revise the subject matters of the annulled non-transitional provisions and decide on which matters should be re-regulated and on which level of legal sources. That is also for the Parliament to decide on which provisions to be re-regulated should be incorporated into the Fundamental Law and which should be laid down on level of [ordinary or cardinal] Acts";*

Or. en

**Amendment 205**  
**Rui Tavares**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Takes note of the above-mentioned Decision of 28 December 2012 of the

*Amendment*

4. Takes note of the above-mentioned Decision of 28 December 2012 of the

Constitutional Court declaring that the Hungarian Parliament exceeded its legislative authority when it enacted a number of transitional provisions of the Fundamental Law *containing permanent and general rules*,

Constitutional Court declaring that the Hungarian Parliament exceeded its legislative authority when it enacted a number of *permanent and general rules in the* Transitional Provisions of the Fundamental Law,

Or. en

**Amendment 206**  
**Jan Kozłowski**

**Motion for a resolution**  
**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

*4a. Welcomes that the Fundamental Law of Hungary particularly prohibits discrimination on the grounds of race, colour, gender, disability, language, religion, political or other views, national or social origin, financial, birth or other circumstances whatsoever in Article XV as well as that Hungary shall adopt special measures to protect children, women, the elderly and persons living with disabilities in accordance with the Articles 20-26 of the Charter of Fundamental Rights of the European Union;*

Or. en

**Amendment 207**  
**Dieter-Lebrecht Koch**

**Motion for a resolution**  
**Paragraph 4 b (new)**

*Motion for a resolution*

*Amendment*

*4b. Welcomes that Hungary adopted special measures to protect children,*

*women, the elderly and persons living with disabilities in accordance with Articles 20-26 of the Charter of Fundamental Rights of the European Union;*

Or. en

**Amendment 208**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

*Amendment*

*5. Strongly criticises the provisions of the Fourth Amendment to the Fundamental Law, which undermine the supremacy of the Fundamental Law by reintroducing in its text a number of rules previously declared unconstitutional – i.e. incompatible on procedural or substantive grounds with the Fundamental Law – by the Constitutional Court;*

*deleted*

Or. en

**Amendment 209**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

*Amendment*

*5. Strongly criticises the provisions of the Fourth Amendment to the Fundamental Law, which undermine the supremacy of the Fundamental Law by reintroducing in its text a number of rules previously declared unconstitutional – i.e. incompatible on procedural or substantive grounds with the Fundamental Law – by*

*deleted*

*the Constitutional Court;*

Or. en

**Amendment 210**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

*Amendment*

***5. Strongly criticises the provisions of the Fourth Amendment to the Fundamental Law, which undermine the supremacy of the Fundamental Law by reintroducing in its text a number of rules previously declared unconstitutional – i.e. incompatible on procedural or substantive grounds with the Fundamental Law – by the Constitutional Court;***

*deleted*

Or. fr

**Amendment 211**  
**Kinga Gál, Lívia Járóka**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

*Amendment*

***5. Strongly criticises the provisions of the Fourth Amendment to the Fundamental Law, which undermine the supremacy of the Fundamental Law by reintroducing in its text a number of rules previously declared unconstitutional – i.e. incompatible on procedural or substantive grounds with the Fundamental Law – by the Constitutional Court;***

*deleted*

Or. en

**Amendment 212**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Recalls that in its above-mentioned Decision of 28 December 2012, the Constitutional Court gave a clear ruling on **both substantive and** procedural standards of constitutionality by declaring that: 'In democratic States under the rule of law, constitutions have constant substantial and procedural standards and requirements. The substantial and procedural constitutional requirements shall not be set lower in the era of the Fundamental Law than they were at the time of the Constitution (Act). The requirements of a constitutional State under the rule of law continue to be constantly enforced requirements in the present and they are programs for the future. The constitutional State under the rule of law is a system of constant values, principles and guarantees<sup>14</sup>; considers such a clear-cut and dignified statement to be valid for the European Union and all its Member States;

*Amendment*

6. Recalls that in its above-mentioned Decision of 28 December 2012, the Constitutional Court gave a clear ruling on procedural standards of constitutionality by declaring that: 'In democratic States under the rule of law, constitutions have constant substantial and procedural standards and requirements. The substantial and procedural constitutional requirements shall not be set lower in the era of the Fundamental Law than they were at the time of the Constitution (Act). The requirements of a constitutional State under the rule of law continue to be constantly enforced requirements in the present and they are programs for the future. The constitutional State under the rule of law is a system of constant values, principles and guarantees'; considers such a clear-cut and dignified statement to be valid for the European Union and all its Member States;

Or. en

**Amendment 213**  
**Kinga Gál, Véronique Mathieu Houillon, Georgios Papanikolaou**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Recalls that the common values of the Union of democracy and the rule of law require a strong system of representative

*Amendment*

7. Recalls that the common values of the Union of democracy and the rule of law require a strong system of representative



democracy based on free elections and respecting the rights of the opposition and that according to Article 3 of Protocol 1 to the ECHR elections should guarantee the 'expression of the opinion of the people in the choice of the legislator';

democracy based on free elections and respecting the rights of the opposition and that according to Article 3 of Protocol 1 to the ECHR elections should guarantee the 'expression of the opinion of the people in the choice of the legislator', ***which is the very case in Hungary***;

Or. en

**Amendment 214**  
**Jan Kozłowski**

**Motion for a resolution**  
**Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

***7a. Welcomes that the Act XXXVI of 2013 on the election procedure in Hungary, Article 42 in particular, prescribes that, upon request, people with disabilities shall be provided with admonitions in Braille, relevant information in easy-to-read form, voting sample in Braille at polls as well as full accessibility of polls, including paying particular attention to the needs of the wheelchair users. In addition, based on Article 50 of the before mentioned act, disabled voters can ask to be registered at another, more accessible polls to cast their votes in the given constituency in accordance with the obligation of the creation of at least one fully accessible poll in every constituency in Article 81;***

Or. en

**Amendment 215**  
**Dieter-Lebrecht Koch**

**Motion for a resolution**  
**Paragraph 7 b (new)**

*Motion for a resolution*

*Amendment*

***7b. Welcomes that the Act XXXVI of 2013 on the election procedure in Hungary, Article 42 in particular, prescribes that, upon request, people with disabilities shall be provided with admonitions in Braille, relevant information in easy-to-read form, voting sample in Braille at polls as well as full accessibility of polls, including paying particular attention to the needs of the wheelchair users. In addition, based on Article 50 of the before mentioned act, disabled voters can ask to be registered at another, more accessible polls to cast their votes in the given constituency in accordance with the obligation of the creation of at least one fully accessible poll in every constituency in Article 81;***

Or. en

**Amendment 216**

**Livia Járóka**

**Motion for a resolution**

**Paragraph 8**

*Motion for a resolution*

*Amendment*

***8. Considers that the extensive use of cardinal laws to regulate areas that are covered by ordinary laws in most Member States or to set forth very specific and detailed rules undermines the principles of democracy and the rule of law as it has enabled the current government, which enjoys the support of a qualified majority, to set in stone political choices with the consequence of making it more difficult for any new future government having only a simple majority in the parliament to respond to social changes and thus of potentially diminishing the importance of new elections;***

***deleted***

**Amendment 217**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

*Amendment*

**8. Considers that the extensive use of cardinal laws to regulate areas that are covered by ordinary laws in most Member States or to set forth very specific and detailed rules undermines the principles of democracy and the rule of law as it has enabled the current government, which enjoys the support of a qualified majority, to set in stone political choices with the consequence of making it more difficult for any new future government having only a simple majority in the parliament to respond to social changes and thus of potentially diminishing the importance of new elections;**

*deleted*

**Amendment 218**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

*Amendment*

8. Considers that the extensive use of cardinal laws *to regulate areas that are covered by ordinary laws in most Member States or to set forth very specific and detailed rules undermines the principles of democracy and the rule of law as it has enabled the current government, which enjoys the support of a qualified majority,*

8. considers that *while having been a feature of the Hungarian constitutional and legal order since 1989,* the extensive use of cardinal laws, *the adoption of which requires a majority of two thirds, in areas where European constitutional tradition does not warrant such an approach, should be re-evaluated, in order to ensure*

*to set in stone political choices with the consequence of making it more difficult for any new future government having only a simple majority in the parliament to respond to social changes and thus of potentially diminishing the importance of new elections;*

*that future governments and parliamentary majorities be allowed to legislate in a meaningful and comprehensive manner;*

Or. en

**Amendment 219**  
**Kinga Gál, Kārlis Šadurskis**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Considers that the *extensive* use of cardinal laws *to regulate areas that are covered by ordinary laws in most Member States or to set forth very specific and detailed rules undermines the principles of democracy and the rule of law as it has enabled the current government, which enjoys the support of a qualified majority, to set in stone political choices with the consequence of making it more difficult for any new future government having only a simple majority in the parliament to respond to social changes and thus of potentially diminishing the importance of new elections;*

*Amendment*

8. Considers that the use of cardinal laws *in Hungary has constitutional tradition since 1989, the number of areas subject to cardinal laws has more or less remained steady since then and has never been a source of criticism so far, not even during the accession negotiations, and not even when the socialist-liberal coalition between 1994-1998 governed with two-thirds majority amending a great number of cardinal acts at will, therefore challenging solely the current Hungarian government is politically biased; and underlines that use of two-third majority laws is common in many other Member States, such as Austria, France, Spain or Romania, and whereas in Austria more than 50 subject matters are to be regulated by two-third majority laws;*

Or. en

**Amendment 220**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

*Amendment*

**9. Considers that use of the individual members' bills procedure to implement the constitution (through cardinal laws) does not constitute a transparent, accountable and democratic legislative process as in practice it restricts public debate and consultation, and that it could run counter to Fundamental Law itself, which makes it an obligation for the government (and not individual members) to submit to the parliament the bills necessary for the implementation of the Fundamental Law;**

*deleted*

Or. en

**Amendment 221**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

*Amendment*

**9. Considers that use of the individual members' bills procedure to implement the constitution (through cardinal laws) does not constitute a transparent, accountable and democratic legislative process as in practice it restricts public debate and consultation, and that it could run counter to Fundamental Law itself, which makes it an obligation for the government (and not individual members) to submit to the parliament the bills necessary for the implementation of the Fundamental Law;**

*deleted*

Or. en

**Amendment 222**

**Rui Tavares**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Considers that use of the individual members' bills procedure to implement the constitution (through cardinal laws) does not constitute a transparent, accountable and democratic legislative process as *in practice it restricts public* debate and consultation, and that it could run counter to Fundamental Law itself, which makes it an obligation for the government (and not individual members) to submit to the parliament the bills necessary for the implementation of the Fundamental Law;

*Amendment*

9. Considers that use of the individual members' bills procedure to implement the constitution (through cardinal laws) does not constitute a transparent, accountable and democratic legislative process as it *lacks the guarantees of ensuring meaningful social* debate and consultation, and that it could run counter to Fundamental Law itself, which makes it an obligation for the government (and not individual members) to submit to the parliament the bills necessary for the implementation of the Fundamental Law;

Or. en

**Amendment 223**

**Kinga Gál, Kārlis Šadurskis, Jacek Protasiewicz**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Considers that use of the individual members' bills procedure *to implement the constitution (through cardinal laws) does not constitute a transparent, accountable and* democratic legislative process *as in practice it restricts public debate and consultation, and that it could run counter to Fundamental Law itself, which makes it an obligation for the government (and not individual members) to submit to the parliament the bills necessary for the implementation of the Fundamental Law;*

*Amendment*

9. Considers that use of the individual members' bills procedure *is in full compliance with the applicable procedural requirements, and is part of the* democratic legislative process, *as nobody more accountable than a Member of Parliament who may be dismissed by the electors at the next elections. Denying this right of the members of Parliament with reference to the democratic values common to EU member States would lead us to a conclusion that democratically elected MPs cannot exercise their representative roles;*

**Amendment 224**  
**Jacek Protasiewicz**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. Shares the opinion of the Venice Commission (No CDL-AD(2012)001), according to which the adoption of a large amount of legislation in a very short time frame could explain why some of the new provisions do not comply with European standards;

*Amendment*

10. Shares the opinion of the Venice Commission (No CDL-AD(2012)001), according to which the adoption of a large amount of legislation in a very short time frame could explain why some of the new provisions do not comply with European standards, *although it reminds that the Commission admitted that there was a need to improve the efficiency of the previous system*;

Or. en

**Amendment 225**  
**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Georgios Papanikolaou**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. *Shares* the opinion of the Venice Commission (No CDL-AD(2012)001), *according to which the adoption of a large amount of legislation in a very short time frame could explain why some of the new provisions do not comply with European standards*;

*Amendment*

10. *Underlines* the opinion of the Venice Commission (No CDL-AD(2011)016), *which "welcomes the fact that this new Constitution establishes a constitutional order based on democracy, the rule of law and the protection of fundamental rights as underlying principles. It notes that constitutions of other European States, such as Poland, Finland, Switzerland or Austria, have been used as a source of inspiration. A particular effort has been made to follow closely the technique and the contents of the ECHR and to some*

*extent the EU Charter.";*

Or. en

**Amendment 226**  
**Josef Weidenholzer, Birgit Sippel**

**Motion for a resolution**  
**Paragraph 10 a (new)**

*Motion for a resolution*

*Amendment*

*10a. Welcomes the fact that when the members of the two institutions met in Eger on 16 May 2013, the Presidents of the Hungarian and Romanian constitutional courts, Péter Paczolay and Augustin Zegrean, issued a joint statement stressing that constitutional courts bear a special responsibility in countries ruled by a two-thirds majority;*

Or. de

**Amendment 227**  
**Claude Moraes, Sylvie Guillaume**

**Motion for a resolution**  
**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

*11a. Recalls that the constitutional majority raised the number of constitutional judges from 11 to 15 and abolished the requirement of reaching an agreement with the opposition regarding the election of constitutional judges. Is concerned that due to these measures 8 out of the 15 current constitutional judges have been elected by the 2/3 majority exclusively (with one exception), including two new members who were appointed directly from their position of*



**Amendment 228**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

*Amendment*

***12. Considers that the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's powers in the budgetary field;***

*deleted*

**Amendment 229**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

*Amendment*

***12. Considers that the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's***

*deleted*

*powers in the budgetary field;*

Or. en

**Amendment 230**

**Birgit Sippel, Josef Weidenholzer**

**Motion for a resolution**

**Paragraph 12**

*Motion for a resolution*

12. Considers that the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's powers in the budgetary field;

*Amendment*

12. ***Understands that a democratic system that is founded on the rule of law does not necessarily need a constitutional court in order to function properly; recalls however the opinion No. CDL-AD (2011)016 of the Venice Commission stating that in states having opted for a constitutional court, this court should be entitled to assess the compliance of all laws with the human rights guaranteed in the constitution, and especially with human rights of such a particular importance: the right not to be discriminated and the right not to be unduly deprived of its possessions;*** considers ***therefore*** that the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's powers in the budgetary field;

Or. en

**Amendment 231**

**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Georgios Papanikolaou**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Considers that ***the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's powers in the budgetary field;***

*Amendment*

12. Considers that ***control of central budget by constitutional courts is not a common European standard;***

Or. en

**Amendment 232**  
**Rui Tavares**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Considers that the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's powers in the budgetary field;

*Amendment*

12. ***Welcomes the introduction of a possibility for two new types of constitutional complaint to the Constitutional Court;*** considers, ***however,*** that the limitation of constitutional jurisdiction relating to the laws on the central budget and taxes is in contradiction with the requirements of democracy, the rule of law and the principle of judicial review, as it weakens the institutional and procedural guarantees for the protection of a number of constitutional rights and for controlling the parliament's and the government's powers in the budgetary field;

Or. en

**Amendment 233**  
**Kinga Gál, Kārlis Šadurskis**

**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12a. Takes note that in several Member States the competences of the constitutional court is limited or restricted to a certain type of procedures, furthermore, there is no legal regulation for the competences of the constitutional court regarding the supervision of the constitution or any amendments thereof among others in Austria, Lithuania, Slovenia, France or Portugal; and takes note that in several Member States does not even exist the institute of a separate constitutional court at all (e.g. among others in Finland or in Greece, or the Danish system of courts, which are based on a unified structure, or in Ireland, where Supreme Court can deal with constitutional issues);***

Or. en

**Amendment 234**  
**Kinga Gál, György Schöpflin**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

*Amendment*

13. Recalls that as declared by the Constitutional Court in its Decision No 45/2012, 'Constitutional legality has not only procedural, formal and public law validity requirements, but also substantial ones [...]. As appropriate, the Constitutional Court may even examine the free enforcement and the constitutionalisation of the substantial

13. Recalls that as declared by the Constitutional Court in its Decision No 45/2012, 'Constitutional legality has not only procedural, formal and public law validity requirements, but also substantial ones [...]. As appropriate, the Constitutional Court may even examine the free enforcement and the constitutionalisation of the substantial

requirements, guarantees and values of democratic States under the rule of law“;

requirements, guarantees and values of democratic States under the rule of law‘; *also recalls the Constitutional Court's Decision 61/2011 stating "one of the most important arguments against the extension of the powers of the Constitutional Court to the review of the Constitution is that the Constitutional Court cannot create and cannot alter the Constitution which it is designed to protect and which it must apply as a yardstick in the course of the constitutional review of legislation. This is confirmed by the fact that, throughout its operation, the Constitutional Court has consistently refused to review the Constitution or its provisions. (...) Within the system of the division of powers, the power of the Constitutional Court, too, is a limited power. Following from this, the Constitutional Court will not draw the review the Constitution and new amendments to the Constitution within its competence without express authorisation in the Constitution."*

Or. en

#### **Amendment 235**

**Livia Járóka**

#### **Motion for a resolution**

#### **Paragraph 14**

*Motion for a resolution*

*Amendment*

*14. Considers that after the entry into force of the Fourth Amendment the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection as the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and*

*deleted*

*principles;*

Or. en

**Amendment 236**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

*Amendment*

***14. Considers that after the entry into force of the Fourth Amendment the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection as the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and principles;***

***deleted***

Or. en

**Amendment 237**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

*Amendment*

***14. Considers that after the entry into force of the Fourth Amendment the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection as the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and principles;***

***deleted***

**Amendment 238**  
**Kinga Gál, György Schöpflin**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

*Amendment*

**14. Considers that after the entry into force of the *Fourth Amendment* the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection as the legislature is now entitled to modify the *Fundamental Law* as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and principles;**

*deleted*

**Amendment 239**  
**Rui Tavares**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

*Amendment*

14. Considers that *after the entry into force* of the *Fourth Amendment* the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection *as the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the* constitutional amendments contradicting other constitutional requirements and principles;

14. Considers that *in light of the systematic amendments* of the *Fundamental Law at political will* the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection, *especially since the Fourth Amendment explicitly prohibits the Court to review* constitutional amendments contradicting other constitutional requirements and principles;

**Amendment 240**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Considers that after the entry into force of the Fourth Amendment *the Constitutional Court can no longer fulfil its role as the supreme body of constitutional protection as the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and principles;*

*Amendment*

14. Considers that after the entry into force of the Fourth Amendment the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and principles;

Or. fr

**Amendment 241**  
**Jacek Protasiewicz**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Considers that after the entry into force of the Fourth Amendment the Constitutional *Court can no longer fulfil its role as the supreme body of constitutional protection as the legislature is now entitled to modify the Fundamental Law as it wishes even in the case of the constitutional amendments contradicting other constitutional requirements and principles;*

*Amendment*

14. Considers that after the entry into force of the Fourth Amendment the Constitutional *Court's capacity to fulfil its role as the supreme body of constitutional protection should be assessed by the Venice Commission;*

Or. en



**Amendment 242**  
**Livia Járóka**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

*Amendment*

*15. Is deeply concerned about this shift of powers in constitutional matters to the advantage of the parliament and to the detriment of the Constitutional Court, which severely undermines the principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;* *deleted*

Or. en

**Amendment 243**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

*Amendment*

*15. Is deeply concerned about this shift of powers in constitutional matters to the advantage of the parliament and to the detriment of the Constitutional Court, which severely undermines the principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;* *deleted*

Or. en

**Amendment 244**  
**Jean-Pierre Audy**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Is *deeply* concerned about this shift of powers in constitutional matters to the advantage of the parliament and to the detriment of the Constitutional Court, which *severely* undermines the principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;

*Amendment*

15. Is concerned about this shift of powers in constitutional matters to the advantage of the parliament and to the detriment of the Constitutional Court, which undermines the principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;

Or. fr

**Amendment 245**  
**Jacek Protasiewicz**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. *Is deeply concerned about this shift of powers in constitutional matters to the advantage of the parliament and to the detriment of the Constitutional Court, which severely undermines the* principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;

*Amendment*

15. *Underlines the importance* of the principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;

Or. en

**Amendment 246**  
**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Kārlis Šadurskis, Georgios Papanikolaou**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

**15. Is deeply concerned about this shift of powers in constitutional matters to the advantage of the parliament and to the detriment of the Constitutional Court, which severely undermines the principle of separation of powers and a correctly functioning system of checks and balances, which are key corollaries of the rule of law;**

*Amendment*

**15. Underlines that according to rule of law a democratically elected Parliament has the right and duty to adopt the Constitution and Laws, and the Constitutional Court has the right and duty to safeguard the compatibility of the laws with the Constitution;**

Or. en

**Amendment 247**

**Frank Engel**

**Motion for a resolution**

**Paragraph 16**

*Motion for a resolution*

**16. Is also extremely concerned about those provisions of the Fourth Amendment which repeal 20 years of constitutional jurisprudence, containing an entire system of founding principles and constitutional requirements, including any potential case-law affecting the application of EU law and of European human rights law;**

*Amendment*

*deleted*

Or. en

**Amendment 248**

**Edit Bauer**

**Motion for a resolution**

**Paragraph 16**

*Motion for a resolution*

**16. Is also extremely concerned about**

*Amendment*

*deleted*

*those provisions of the Fourth Amendment which repeal 20 years of constitutional jurisprudence, containing an entire system of founding principles and constitutional requirements, including any potential case-law affecting the application of EU law and of European human rights law;*

Or. en

#### **Amendment 249**

**Kinga Gál**

#### **Motion for a resolution**

#### **Paragraph 16**

##### *Motion for a resolution*

**16. *Is also extremely concerned about those provisions of the Fourth Amendment which repeal 20 years of constitutional jurisprudence, containing an entire system of founding principles and constitutional requirements, including any potential case-law affecting the application of EU law and of European human rights law;***

##### *Amendment*

**16. *Takes note that all effects of the 20 years of constitutional jurisprudence are still valid, there is no objection for the Court to arrive to the same conclusions, and takes note that the Court already used its previous decisions as a source of interpretation;***

Or. en

#### **Amendment 250**

**Kinga Gál**

#### **Motion for a resolution**

#### **Paragraph 17**

##### *Motion for a resolution*

**17. *Is also concerned about the conformity with EU law of the provision of the Fourth Amendment which enables the Hungarian Government to impose a special tax in order to implement EU Court of Justice***

##### *Amendment*

**17. *Takes note of the ongoing dialogue between the Hungarian government and European Commission on the conformity with EU law of the provision of the Fourth Amendment which enables the Hungarian***

judgments entailing payment obligations when the state budget does not have sufficient funding available and when the public debt exceeds half of the Gross Domestic Product;

Government to impose a special tax in order to implement EU Court of Justice judgments entailing payment obligations when the state budget does not have sufficient funding available and when the public debt exceeds half of the Gross Domestic Product;

Or. en

**Amendment 251**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

*Amendment*

*18. Criticises the accelerated process of enacting important laws as it undermines the rights of the opposition parties to be effectively involved in the legislative process, thus limiting their scrutiny of the majority's and the government's action and ultimately negatively affecting the system of checks and balances;*

*deleted*

Or. en

**Amendment 252**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

*Amendment*

*18. Criticises the accelerated process of enacting important laws as it undermines the rights of the opposition parties to be effectively involved in the legislative process, thus limiting their scrutiny of the majority's and the government's action and ultimately negatively affecting the*

*deleted*

*system of checks and balances;*

Or. en

**Amendment 253**

**Kinga Gál**

**Motion for a resolution**

**Paragraph 18**

*Motion for a resolution*

18. *Criticises the accelerated process of enacting important laws as it undermines the rights of the opposition parties to be effectively involved in the legislative process, thus limiting their scrutiny of the majority's and the government's action and ultimately negatively affecting the system of checks and balances;*

*Amendment*

18. *Takes note that the right of the opposition is ensured by the rules of procedure of Hungarian Parliament and the adoption of all laws were in full compliance with the applicable procedural requirements and part of the democratic legislative process;*

Or. en

**Amendment 254**

**Kinga Gál**

**Motion for a resolution**

**Paragraph 20**

*Motion for a resolution*

20. Stresses that protection against removal from office during the term of office is an essential element of the requirement of the independence of national data protection authorities under EU law;

*Amendment*

20. Stresses that protection against removal from office during the term of office is an essential element of the requirement of the independence of national data protection authorities under EU law; ***Takes note that in the Hungarian case removal from office was due to the reform of the data protection institution, by establishing the National Authority for Data Protection instead of the Commissioner on Data Protection and Freedom of Information, and by transferring its powers to the newly-established Authority, with a new***

*status which attaches legal consequences to its procedures;*

Or. en

**Amendment 255**

**Edit Bauer**

**Motion for a resolution**

**Paragraph 21**

*Motion for a resolution*

*Amendment*

**21. Welcomes the fact that the Commission has launched an infringement procedure against Hungary over the independence of the data protection supervisor;**

**deleted**

Or. en

**Amendment 256**

**Kinga Gál, Frank Engel, Véronique Mathieu Houillon, Georgios Papanikolaou**

**Motion for a resolution**

**Paragraph 21**

*Motion for a resolution*

*Amendment*

**21. Welcomes the fact that the Commission has launched an infringement procedure against Hungary over the *independence* of the data protection supervisor;**

**21. Takes note that the Commission has launched an infringement procedure against Hungary over the *legality of the termination* of the *mandate of the former Commissioner for Data Protection, which case is currently pending at the European Court of Justice*;**

Or. en

**Amendment 257**

**Livia Járóka**

**Motion for a resolution**  
**Paragraph 22**

*Motion for a resolution*

*Amendment*

**22. Deplores that the above-mentioned institutional changes resulted in a clear weakening of the systems of checks and balances required by the rule of law and the democratic principle of the separation of powers;**

*deleted*

Or. en

**Amendment 258**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 22**

*Motion for a resolution*

*Amendment*

**22. Deplores that the above-mentioned institutional changes resulted in a clear weakening of the systems of checks and balances required by the rule of law and the democratic principle of the separation of powers;**

*deleted*

Or. en

**Amendment 259**  
**Edit Bauer**

**Motion for a resolution**  
**Paragraph 22**

*Motion for a resolution*

*Amendment*

**22. Deplores that the above-mentioned institutional changes resulted in a clear weakening of the systems of checks and balances required by the rule of law and the democratic principle of the separation**

*deleted*



*of powers;*

Or. en

**Amendment 260**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 22**

*Motion for a resolution*

**22. Deplores that the above-mentioned institutional changes resulted in a clear weakening of the systems of checks and balances required by the rule of law and the democratic principle of the separation of powers;**

*Amendment*

**22. Underlines that the National Authority for Data Protection is entrusted with a more extensive supervision and intervention powers than the Commissioner has been: on the one hand it is provided with the investigative powers necessary to carry out its tasks (the right of access to contentious data, the right to conduct interrogations), and on the other hand it is entitled to initiate legal proceedings; underlines furthermore that the Venice Commission acknowledged that the protection of data is far better ensured in Hungary thanks to the Agency than in many other European states, as stated in its Opinion (CDL-AD(2012)023) "the current version of the Act includes particularly detailed provisions aiming at guaranteeing – directly and, in most cases, indirectly – the Authority's independence. It is worth saying that some of these guarantees may not always be found in corresponding legislation of other European countries.";**

Or. en

**Amendment 261**  
**Jacek Protasiewicz**

**Motion for a resolution**  
**Paragraph 22**

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**EN**

*Motion for a resolution*

22. **Deplores** that the above-mentioned institutional changes **resulted in a clear weakening of** the systems of checks and balances required by the rule of law and the democratic principle of the separation of powers;

*Amendment*

22. **Underlines** that the above-mentioned institutional changes **have to be assessed in the context of** the systems of checks and balances required by the rule of law and the democratic principle of the separation of powers;

Or. en

**Amendment 262**

**Josef Weidenholzer, Birgit Sippel**

**Motion for a resolution**

**Paragraph 22 a (new)**

*Motion for a resolution*

**22a. Expresses its disquiet at the infringements of the right to organise, as for instance in the case of teachers, who are admittedly allowed to form specialist trade unions, whereas the relevant powers-that-be are insisting that they will not negotiate with any professional association other than the ‘Hungarian Chamber of Teachers’:**

Or. de

**Amendment 263**

**Frank Engel**

**Motion for a resolution**

**Paragraph 26**

*Motion for a resolution*

**26. Regrets that the numerous measures adopted – as well as some on-going reforms – do not provide sufficient assurances of constitutional safeguards as to the independence of the judiciary and**

*Amendment*

**deleted**

*the independence of the Constitutional Court of Hungary;*

Or. en

**Amendment 264**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 26**

*Motion for a resolution*

*Amendment*

*26. Regrets that the numerous measures adopted – as well as some on-going reforms – do not provide sufficient assurances of constitutional safeguards as to the independence of the judiciary and the independence of the Constitutional Court of Hungary;*

*26. Takes note that as a result of the numerous measures adopted there are sufficient assurances of constitutional safeguards as to the independence of the judiciary and the independence of the Constitutional Court in the Hungarian legislation;*

Or. en

**Amendment 265**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 27**

*Motion for a resolution*

*Amendment*

*27. Considers that the premature termination of the term of office of the Supreme Court's President violates the guarantee of security of tenure, which is a key element of the independence of the judiciary;*

*deleted*

Or. en

**Amendment 266**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 27**

*Motion for a resolution*

27. Considers that the premature termination of the term of office of the Supreme Court's President *violates* the guarantee of security of tenure, *which is a key element* of the *independence* of the *judiciary*;

*Amendment*

27. Considers that the premature termination of the term of office of the Supreme Court's President *did not violate* the guarantee of security of tenure, *as - according to the Decision No 3076/2013 of the Constitutional Court - the previously detailed institutional restructuring was a sufficient ground for the early termination of the office* of the *President*; *and underlines that the rulings of the Hungarian Constitutional Court should be respected by the European actors in line with the spirit of respect of democracy and rule of law; finally notes that the European Commission has opted not to initiate an infringement procedure on this issue*;

Or. en

**Amendment 267**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 28**

*Motion for a resolution*

28. *Welcomes the above-mentioned* Decision 33/2012 of the Constitutional Court declaring the compulsory termination of the service of judges at the age of 62 unconstitutional as well as the *above-mentioned* decision of the Court of Justice of the EU of 6 November 2012, which held that the radical lowering of the retirement age of judges in Hungary constitutes unjustified discrimination on grounds of age and is therefore in breach of Council Directive 2000/78/EC;

*Amendment*

28. *Takes note of the* Decision No 33/2012 of the Constitutional Court declaring the compulsory termination of the service of judges at the age of 62 unconstitutional, *a proof of the functioning of checks and balances*, as well as the Decision of the Court of Justice of the EU of 6 November 2012, which held that the radical lowering of the retirement age of judges in Hungary constitutes unjustified discrimination on grounds of age and is therefore in breach of Council Directive 2000/78/EC;

**Amendment 268**  
**Frank Engel**

**Motion for a resolution**  
**Paragraph 30**

*Motion for a resolution*

30. Regrets, however, that not all the recommendations of the Venice Commission have been implemented, in particular as regards the need to limit discretionary powers of the President of the National Judicial Office in the context of the transfer of cases, which potentially affect the right to a fair trial and the principle of a lawful judge;

*Amendment*

30. Regrets, however, that not all the recommendations of the Venice Commission have been implemented, in particular as regards the need to limit discretionary powers of the President of the National Judicial Office in the context of the transfer of cases, which potentially affect the right to a fair trial and the principle of a lawful judge, ***while taking note that the Hungarian government is still in the process of reviewing the matter;***

**Amendment 269**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 30**

*Motion for a resolution*

30. ***Regrets, however, that not all*** the recommendations of the Venice Commission have been implemented, ***in particular*** as regards ***the need to limit discretionary powers of*** the President of the ***National Judicial Office in the context of the transfer of cases, which potentially affect the right to a fair trial and the principle of a lawful judge;***

*Amendment*

30. ***Welcomes that most of*** the recommendations of the Venice Commission have been implemented ***regarding the system and independence of judiciary;*** as regards ***those recommendation s which affect the transfer of cases, according to the Fourth Amendment to the Fundamental Law the system of transfer of cases is being revised (Bill T/10593), and further constitutional guarantees were introduced: only groups of cases not individual cases may be***

*transferred to other courts, the President of the NJO has no influence whatsoever on which court hears a given case, meaning the regulation does not provide for the possibility of an ad hoc or ad personam appointment of the proceeding judge or chamber; and welcomes that the details of the new mechanism were elaborated in consultation with the European Commission; takes note that similar transfer of certain categories of cases exists in the Netherlands;*

Or. en

**Amendment 270**  
**Rui Tavares**

**Motion for a resolution**  
**Paragraph 30**

*Motion for a resolution*

30. Regrets, however, that not all the recommendations of the Venice Commission have been implemented, in particular as regards the need to limit discretionary powers of the President of the National Judicial Office in the context of the transfer of cases, which potentially affect the right to a fair trial and the *principle of a lawful judge*;

*Amendment*

30. Regrets, however, that not all the recommendations of the Venice Commission have been implemented, in particular as regards the need to limit discretionary powers of the President of the National Judicial Office in the context of the transfer of cases, which potentially affect the right to a fair trial and the *right to a lawful judge*;

Or. en

**Amendment 271**  
**Jacek Protasiewicz**

**Motion for a resolution**  
**Paragraph 30**

*Motion for a resolution*

30. *Regrets, however, that not all the*

*Amendment*

30. *Believes that* the recommendations of

recommendations of the Venice Commission *have been* implemented, in particular as regards the need to limit discretionary powers of the President of the National Judicial Office in the context of the transfer of cases, which potentially affect the right to a fair trial and the principle of a lawful judge;

the Venice Commission *should be* implemented, in particular as regards the need to limit discretionary powers of the President of the National Judicial Office in the context of the transfer of cases, which potentially *could* affect the right to a fair trial and the principle of a lawful judge;

Or. en

**Amendment 272**  
**Kinga Gál**

**Motion for a resolution**  
**Paragraph 30 a (new)**

*Motion for a resolution*

*Amendment*

***30a. Takes note of the statement of the Deputy Prime Minister Tibor Navracsics on 3 March 2013 on the visit of the President of the European Court of Human Rights, Dean Spielmann to the Hungarian Parliament, that the transfer of cases is only a short term solution and is needed in order to reduce the workload and fasten the decision-making process of the courts of the capital region, thus improving the efficiency of the judicial system as a whole; furthermore takes note of the fact underlined by Dean Spielmann that 75% of the Hungarian cases at the European Court of Human Rights are in connection with the delay of the court decisions;***

Or. en