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*Plenary sitting*

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**B8-1349/2015**

9.12.2015

## **MOTION FOR A RESOLUTION**

further to Question for Oral Answer B8-1110/2015

pursuant to Rule 128(5) of the Rules of Procedure

on the situation in Hungary  
(2015/2935(RSP))

**Monika Hohlmeier, Alessandra Mussolini, Lara Comi, Milan Zver**  
on behalf of the PPE Group

**European Parliament resolution on the situation in Hungary  
(2015/2935(RSP))**

*The European Parliament,*

- having regard to the Treaties, in particular Articles 2, 3 and 6 of the Treaty on European Union (TEU), and Article 2(2) of the Charter of Fundamental Rights of the European Union,
  - having regard to the Commission’s communication of 11 March 2014 entitled ‘A new EU Framework to strengthen the Rule of Law’ (COM(2014)0158),
  - having regard to its resolution of 10 June 2015 on the situation in Hungary<sup>1</sup>,
  - having regard to the Commission’s reply of 5 November 2015, following Parliament’s resolution of 10 June 2015,
  - having regard to its debate of 2 December 2015 on the situation in Hungary,
  - having regard to the question to the Commission on the situation in Hungary: follow-up to the European Parliament resolution of 10 June 2015 (O-000140/2015 – B8-1110/2015),
  - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the Commission, in its reply to Parliament’s oral question adopted on 10 November 2015 by the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which was not forwarded in due time to the members of the LIBE Committee by Parliament’s administration, stated that the conditions for activating the Rule of Law Framework as regards Hungary have not been met at this stage;
- B. whereas following Parliament’s resolution of 10 June 2015, the Commission took a number of actions with respect to the recent developments in Hungary, an overview of which was presented to Parliament during the debate in plenary on 2 December 2015 by the Commissioner responsible for Justice, Consumers and Gender Equality, Věra Jourová;
- C. whereas the debate launched by Prime Minister Orbán on the reintroduction of capital punishment did not materialise and the death penalty has not been reintroduced;
- D. whereas with regard to migration, the Hungarian Government formally announced a ‘crisis situation caused by mass immigration’ on 15 September 2015, on the basis of legislation that had entered into force that same day;
- E. whereas with regard to migration, the Commission has assessed Hungary’s legislation –

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<sup>1</sup> Texts adopted, P8\_TA(2015)0227.

and that of the other Member States – and its implementation in terms of its compatibility with EU asylum and borders acquis and the Charter of Fundamental Rights of the European Union; whereas this assessment revealed a number of concerns and questions on substance and implementation;

- F. whereas a first detailed reply from the Hungarian authorities was received on 4 November 2015, which clarified a number of questions;
  - G. whereas the Commission is actively monitoring the situation in Hungary and other Member States and has already pursued infringement and pre-infringement procedures in the cases deemed necessary;
  - H. whereas the Commission has repeatedly informed Parliament that it is ready to use all the means at its disposal to ensure that the Member States comply with their obligations under EU law;
  - I. whereas the Rule of Law Framework is intended to address systemic and ongoing threats to the rule of law in a Member State before they reach a level where recourse to Article 7 TEU would prove necessary, in particular in situations which cannot be effectively addressed by infringement procedures and in the event that the ‘rule of law safeguards’ which exist at national level no longer seem capable of effectively addressing these threats;
  - J. whereas the Charter of Fundamental Rights of the European Union has been fully incorporated into the Hungarian Constitution and the law systems of the other Member States;
- 1. Notes that the Commission’s answer regarding Parliament’s resolution was comprehensive and accurate; acknowledges the Commission’s readiness to address existing concerns through a number of infringement and pre-infringement procedures against a number of Member States, including procedures related to the rule of law, for example concerning the principle of legal certainty, the effectiveness of judicial review, the powers and independence of administrative authorities, and breaches of asylum acquis and fundamental rights;
  - 2. Believes that all Member States must comply fully with EU law in their legislative and administrative practice, and that all legislation, including the primary law of any Member State or candidate country, must reflect and be in accordance with basic European values, namely democratic principles, the rule of law and fundamental rights;
  - 3. Welcomes the Commission’s assurance to Parliament that it will continue to monitor the situation in Hungary and in other Member States, including the functioning of the national rule of law safeguards, for example judicial and constitutional mechanisms;
  - 4. Expects the Commission to monitor all Member States at the same level as regards migration, democratic principles, the rule of law and fundamental rights, thus avoiding double standards, and to report back to Parliament on this issue;
  - 5. Expects Member States to cooperate and stand together in times of crisis, and calls on the Commission, as guardian of the Treaties, to support Member States in developing

solutions to tackle these crises and strengthen the rule of law;

6. Expects all Member States to participate in a constructive manner in the current discussion on the European Agenda on Migration, which equally affects internal, external and development policies that have to be implemented in the EU, with a consequent impact on the African continent and the Middle East;
7. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the President of Hungary.