



## Hungary: MEPs hear from civil society, media and the government

Committees: Committee on Civil Liberties, Justice and Home Affairs

**Democracy, freedom and the rule of law in Hungary were the focus of a Civil Liberties Committee hearing on Thursday with representatives of the Hungarian media, civil society and government. Some MEPs called for a "fundamental rights check" to on whether there is a risk of a serious breach of EU values, while others suggested awaiting the outcome of the European Commission's dialogue with the Hungarian government.**

"I continue to have grave concerns about the current situation in Hungary. And these concerns are based on facts, not myths!", said Commission Vice-President Neelie Kroes. She stressed that media freedom matters, not just because it is a fundamental right, but also "because private investors and international institutions need to know they have full access to independent media analysis", and "the Hungarian authorities should be careful not to give them any other impression".

Ms Kroes said that the Commission expects two things from the Hungarian government: "First, they should explicitly and transparently ask the Council of Europe for a comprehensive opinion on the compliance of the media legislation (...) with fundamental values. Second, they should accept and implement any concrete recommendations that are made by the Council of Europe". She asked Hungary's Deputy Prime Minister and Minister for Public Administration and Justice Tibor Navracsics, whether the Hungarian authorities were willing to do this.

"The Hungarian Government is firmly committed to working with EU institutions", Mr Navracsics replied. "We are fully committed to democracy and the rule of law", he stressed, citing the fact that "the Constitutional Court ruled that the media law was not in line with the Constitution and we duly changed it. That is because we have a system of checks and balances".

### **"That is different to what you said in my office"**

Asked again by Ms Kroes whether the Hungarian authorities would act on the Council of Europe opinion, Mr Navracsics replied that "we will take the Council of Europe opinion into account". However, "the Council of Europe cannot impose anything that goes against our Constitution", he added. "That is different to what you said in my office", replied Ms Kroes.

### **Independence of the data protection authority and the judiciary**

The Commission's Director General for Justice, Françoise Le Bail, said that it was working with the Hungarian authorities to solve the problems that had prompted the launch of accelerated infringement procedures against Hungary: the independence of the national data protection authority, the retirement age of judges and the independence of the judiciary "We shall not hesitate to take further steps depending on the answers we receive", she added.

On the issue of central bank independence, Hungary has until 17 February to reply to the infringement procedure opened by the Commission.

# Press release

On the independence of the judiciary, Mr Navracsics said that "we are preparing our reply and we are willing to continue our dialogue with the Commission". On the independence of the data protection authority, he explained that "we heard the Commission's indications and we are working on strengthening it. I think that we can find a constructive solution".

## **Serious breach of EU values?**

Part of the discussion was about whether it was necessary to activate EU Treaty Article 7, which is used in the event of a clear threat of a serious breach of EU common values.

"We call on the Commission to fully investigate any concerns mentioned today by the Vice-President, but we have no reason to believe that this situation could lead to an Article 7 case of a serious breach of EU law", said Simon Busuttil (EPP, MT).

"When we ask for Article 7 to be applied, it is because it is the duty of this house to protect EU fundamental values" said Renate Weber (ALDE, DE). This view was echoed by MEPs from the Greens/EFA and GUE/NGL groups.

"Article 7 would serve to assess what is happening in Hungary. The media law, for example, is part of a broader concern, which is that Hungary is moving towards an autocratic regime", said Ulrike Lunacek (Greens/EFA, AT).

"Each democracy has the right to establish its own constitution", commented Anthea McIntyre (ECR, UK), adding that "any evaluation should be conducted with fairness and balance" and asking "to treat Hungary not as an enemy but rather as a member of our Union".

"The sanctioning procedure in Article 7 of the EU Treaty is a political procedure, not a legal one", explained the Director of the EU Agency for Fundamental Rights, Morten Kjaerum.

## **Media freedom**

"Klubrádió is fighting for its very survival in the reality show of the Hungarian media law", said its President András Arató, describing its difficulties in renewing its licence. "Unilateral media supervision is prohibited by EU rules", he said, underlining that "Klubrádió is not the only example of incidents that are rather unusual in Western Europe".

Mr Navracsics replied that "the court proceedings are underway. To guarantee a free and fair process, please do not make any political statements on this issue, do not let the Hungarian judges feel any pressure from you".

He also reiterated that "we amended the media law in the light of the Constitutional court ruling. As promised, when the amendments are ready, we will submit them to the Council of Europe and on the basis of its opinion we will proceed to a parliamentary debate".

OSCE Representative on Freedom of the Media Dunja Mijatovic reported "serious concerns on the financial and editorial independence of the media in Hungary".

Emine Bozkurt (S&D, NL), noted that "the debate in the European Parliament with Hungary's Prime Minister was described by Hungarian media as a victory for Viktor Orbán. There was no room for other voices".

"Go to Hungary, read a couple of newspapers and then you will realise that there is not a single journalist who is prevented from writing what he wants", said MEP Kinga Gál (EPP, Hungary).

## **Homeless people and minority groups**

"15,000 people with intellectual disabilities still live in institutions and the government has practically criminalised homelessness", said Balázs Dénes, of the Hungarian Civil Liberties Union.

"Those who have nowhere to live face fines and are sent to prison in Hungary. This goes against European values", pointed out MEP Marie-Christine Vergiat (GUE/NGL, FR).

# Press release

"Fidesz has done a lot to protect Roma people", said Livia Járóka (EPP, HU), adding also that "this is the first government that helps people with mental disabilities".

As to homeless people, Mr Navracsics explained that "the Hungarian government is building shelters; we just opened one in Budapest with 600 beds. We do not want people to sleep on the streets".

## **Council of Europe inquiry**

Andrew Cutting, representing the Council of Europe's EU Liaison office, said that the Venice Commission (its advisory body on constitutional matters), was looking at eight Hungarian laws concerning the judiciary, religious freedom, electoral system, freedom of information, the Constitutional Court, prosecution and nationalities and family protection.

The Venice Commission's opinions on the judiciary and religious freedom will be ready in March, and the others in June.

Mr Kjaerum (EU Agency for Fundamental Rights) stressed the importance of assessing the situation of a country in its entirety rather than focusing on specific elements. "When assessing whether or not a Member State is at a clear risk of seriously breaching core values, it is important to look not only at one single development", he explained.

"The whole system is more than the sum of the parts", said MEP Kinga Göncz (S&D, HU), adding that the Council of Europe should "study the whole package and not only some parts".

Mr Cutting replied that it is up to the Council of Europe's plenary, and not to the Venice Commission, to give an opinion on the overall situation in Hungary and that this is currently being considered.

## **Next steps**

The European Parliament will vote on a resolution on the recent political developments in Hungary on 16 February in Strasbourg.

*In the chair: Juan Fernando López Aguilar (S&D, ES)*

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