AMENDMENTS
1 - 46

Draft opinion
Włodzimierz Cimoszewicz
(PE729.937v01-00)

Proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2018/0902R(NLE))
Amendment 1
Jacek Saryusz-Wolski

Draft opinion
Paragraph 1

1. Expresses deep concern about the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;

Amendment

1. Expresses deep concern about the deliberate and systematic efforts of some of the institutions of the EU to undermine the Treaties, in particular through the arbitrary use of the values enshrined in Article 2 TEU;

Amendment 2
Laura Huhtasaari, Gerolf Annemans, Gunnar Beck, Gilles Lebreton, Jaak Madison

Draft opinion
Paragraph 1

1. Expresses deep concern about the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU

Amendment

1. Expresses deep concern about the direction to which the whole European Union is heading due to unfounded and politically motivated attacks against the Member States, which oppose the mainstream vision of the EU as an ever closer federal supra-national state, and defend the sovereignty and independence of the Member States;
and have been severely amplified by the COVID-19 crisis;

Amendment 3
Włodzimierz Cimoszewicz, Klára Dobrev

Draft opinion
Paragraph 1

Draft opinion

1. Expresses deep concern about the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;

Amendment

1. Expresses deep concern about the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression, academic freedoms, media pluralism and media independence, and by challenging the right to equal treatment as well as rights of migrants and asylum seekers; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;
Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;

Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression, education and academic freedom as well as university autonomy; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;

Amendment 5
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 1

1. expresses deep concern about the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;

1. expresses deep concern about the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, in particular through the removal of the constitutional checks and balances, by the limitation of the independence of the judiciary, by intentional alterations of the national electoral system and by hampering freedom of expression and other fundamental rights; highlights that these trends have substantially worsened since the triggering of Article 7(1) TEU and have been severely amplified by the COVID-19 crisis;
Amendment 6
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 1 a (new)

Draft opinion

1 a. Insists on the need to avoid the creation of a hierarchy of EU values; stresses that it is important to ensure that not only the rule of law, but also other Union values, including a wider spectrum of fundamental rights and democracy are properly assessed;

Or. en

Amendment 7
Jacek Saryusz-Wolski

Draft opinion
Paragraph 2

Draft opinion

2. Deplores the fact that the constitutional balance in Hungary has continued to be significantly altered by a deliberately broad and instrumental use of cardinal laws and constitutional amendments aiming to entrench the issues which are to be regulated by ordinary legislation, with no or limited public consultation, in a very expedient manner, without any effective involvement of the opposition or civil society; highlights that such a trend is contrary to the rule of law, to constitutional traditions and to principles common to Member States and has been a source of open and consistent criticism by the EU and by the Council of Europe institutions; denounces the excessive use of extraordinary powers with the declaration of the state of danger at the outset of the COVID-19 pandemic;

deleted
Amendment 8
Włodzimierz Cimoszewicz, Klára Dobrev

Draft opinion
Paragraph 2

2. **Draft opinion**

2. **Amendment**

Deplores the fact that the constitutional balance in Hungary has continued to be significantly altered by a deliberately broad and instrumental use of cardinal laws and constitutional amendments aiming to entrench the issues which are to be regulated by ordinary legislation, with no or limited public consultation, in a very expedient manner, without any effective involvement of the opposition or civil society; highlights that such a trend is contrary to the rule of law, to constitutional traditions and to principles common to Member States and has been a source of open and consistent criticism by the EU and by the Council of Europe institutions; denounces the excessive use of extraordinary powers with the declaration of the state of danger at the outset of the COVID-19 pandemic; **Recalls that the rule of law does not mean rule by law, but is underlined by the principle of legality, implying a transparent, accountable, democratic and pluralistic process of enacting laws;**

Deplores the fact that the constitutional balance in Hungary has continued to be significantly altered by a deliberately broad and instrumental use of cardinal laws and constitutional amendments aiming to entrench the issues which are to be regulated by ordinary legislation, through amendments of constitutional level, with no or limited public consultation, in a very expedient manner, without any effective involvement of the opposition or civil society; highlights that such a trend of locking in issues at the constitutional level is problematic with regard to both the Constitution and ordinary laws, is contrary to the rule of law, to constitutional traditions and to principles common to Member States and has been a source of open and consistent criticism by the EU and by the Council of Europe institutions; denounces the excessive use of extraordinary powers with the declaration of the state of danger at the outset of the COVID-19 pandemic without limitation and with full discretionary powers granted to the government to extend or terminate it and with including a capacity for the government to set aside any law by a simple executive decree and insists that any such measures should remain necessary and proportionate and with relevant constitutional guarantees for their legislative oversight;
Amendment 9
Laura Huhtasaari, Gerolf Annemans, Gunnar Beck, Gilles Lebreton, Jaak Madison

Draft opinion
Paragraph 2

2. Deplores the fact that the constitutional balance in Hungary has continued to be significantly altered by a deliberately broad and instrumental use of cardinal laws and constitutional amendments aiming to entrench the issues which are to be regulated by ordinary legislation, with no or limited public consultation, in a very expedient manner, without any effective involvement of the opposition or civil society; highlights that such a trend is contrary to the rule of law, to constitutional traditions and to principles common to Member States and has been a source of open and consistent criticism by the EU and by the Council of Europe institutions; denounces the excessive use of extraordinary powers with the declaration of the state of danger at the outset of the COVID-19 pandemic;

Amendment
Paragraph 2

2. Regards that constitutional changes that Hungary has approved during the last decade are a result of a legitimate use of a governing majority received in democratic elections, if and to the extent to which the Hungarian Constitutional Court has upheld them or, at any rate, not questioned them constitutionally;

Amendment 10
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 2

2. Deplores the fact that the constitutional balance in Hungary has continued to be significantly altered by a
deliberately broad and instrumental use of cardinal laws and constitutional amendments aiming to entrench the issues which are to be regulated by ordinary legislation, with no or limited public consultation, in a very expedient manner, without any effective involvement of the opposition or civil society; highlights that such a trend is contrary to the rule of law, to constitutional traditions and to principles common to Member States and has been a source of open and consistent criticism by the EU and by the Council of Europe institutions; denounces the excessive use of extraordinary powers with the declaration of the state of danger at the outset of the COVID-19 pandemic; highlights that such a trend is a threat to the rule of law, to constitutional traditions and to principles common to Member States and has been a source of open and consistent criticism by the EU, the Council of Europe, the United Nations and the OSCE/ODIHR; denounces the excessive use of extraordinary powers with the declaration of the state of danger at the outset of the COVID-19 pandemic;

Or. en

Amendment 11
Jacek Saryusz-Wolski

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Respects the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government;

Or. en

Amendment 12
Jacek Saryusz-Wolski

Draft opinion
Paragraph 3

Draft opinion

Amendment
3. Underlines that several recently adopted provisions in fundamental law or in cardinal acts aimed to curb the operational functioning of civil law institutions such as universities or to increase obstacles for political parties to be able to run a national list of candidates in the parliamentary elections; recalls that the OSCE decided to send a full-scale election observation mission to the 2022 Hungarian parliamentary elections because campaign finance legislation has remained largely unchanged and the latest amendments thereto have not addressed the recommendations of the ODIHR and GRECO;

Amendment 13
Włodzimierz Cimoszewicz, Klára Dobrev

Draft opinion
Paragraph 3

Draft opinion

3. Underlines that several recently adopted provisions in fundamental law or in cardinal acts aimed to curb the operational functioning of civil law institutions such as universities or to introduce unnecessary hurdles for making changes needed for an effective administration election, in particular by increasing obstacles for the parties to be able to run in a national list of candidates; insist that also practice adopting such laws shortly before the election is contrary to established practice and the recommendations of Venice Commission in its Rule of Law checklist; insist that on the other hand, the Hungarian government has pushed for expedient amendments without any consultation to several ordinary laws which had far-reaching negative impact on fundamental rights and right of equal
treatment to increase obstacles for political parties to be able to run a national list of candidates in the parliamentary elections; recalls that the OSCE decided to send a full-scale election observation mission to the 2022 Hungarian parliamentary elections because campaign finance legislation has remained largely unchanged and the latest amendments thereto have not addressed the recommendations of the ODIHR and GRECO;

Amendment 14
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 3

Draft opinion

3. Underlines that several recently adopted provisions in fundamental law or in cardinal acts aimed to curb the operational functioning of civil law institutions such as universities or to increase obstacles for political parties to be able to run a national list of candidates in the parliamentary elections; recalls that the OSCE decided to send a full-scale election observation mission to the 2022 Hungarian parliamentary elections because campaign finance legislation has remained largely unchanged and the latest amendments thereto have not addressed the recommendations of the ODIHR and GRECO;

Or. en

3. Underlines that several recently adopted provisions in fundamental law or in cardinal acts aimed to curb the operational functioning of civil law institutions such as universities or to increase obstacles for political parties to be able to run a national list of candidates in the parliamentary elections, the main effect of which is to favour the incumbents\(^{1a}\); recalls that the OSCE/ODIHR decided to send a full-scale election observation mission to the 2022 Hungarian parliamentary elections because of concerns regarding general deterioration of conditions for democratic elections, and over the independence of judiciary and freedom of the media; recalls that the recommendations issued by OSCE/ODIHR following the 2018 parliamentary elections, as well as by GRECO, remain largely unaddressed. And new concerns have been indicated by the election observation mission on 4 April;
Amendment 15
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 3 a (new)

Draft opinion

3 a. Stresses that in its Statement of Preliminary Findings and Preliminary Conclusions, the OSCE election observation mission to the 2022 Hungarian parliamentary elections found that while the elections offered voters distinct alternatives and were well run, the process was marred by the pervasive overlapping of government and ruling coalition’s messaging that blurred the line between state and party, as well as by media bias and opaque campaign funding;

1b


Or. en

Amendment 16
Maite Pagazaurtundúa, Alin Mituța, Sophia in 't Veld, Charles Goerens, Sandro Gozi, Anna Júlia Donáth

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment
3 a. Draws attention that the Hungarian elections were held on 3 April 2022 without addressing recommendations of the ODIHR and GRECO related to campaign finance legislation what negatively affected the transparency and accountability of campaign finances;

Amendment 17
Jacek Saryusz-Wolski
Draft opinion
Paragraph 4

Draft opinion

4. Expresses concern about the steps the Hungarian Government has taken to further limit the independence of the judiciary, in particular by weakening the powers of the National Judicial Council, which damages mutual trust in the EU, as national judges are judges of first instance of EU law and guarantee equality between EU citizens; highlights, furthermore, that the Hungarian Government increasingly relies on the Hungarian Constitutional Court to avoid compliance with the judgments of the Court of Justice of the European Union (CJEU), thereby undermining the primacy of EU law;

Amendment

4. Takes note of the internal judicial reforms in Hungary, stressing that these are matters that fall within the exclusive competence of the Member State;

Amendment 18
Włodzimierz Cimoszewicz, Klára Dobrev
Draft opinion
Paragraph 4

Draft opinion

Amendment
4. Expresses concern about the steps the Hungarian Government has taken to further limit the independence of the judiciary, in particular by weakening the powers of the National Judicial Council, which damages mutual trust in the EU, as national judges are judges of first instance of EU law and guarantee equality between EU citizens; highlights, furthermore, that the Hungarian Government increasingly relies on the Hungarian Constitutional Court to avoid compliance with the judgments of the Court of Justice of the European Union (CJEU), thereby undermining the primacy of EU law;

4. Recalls that the fact that the Hungarian Government relies on the Hungarian Constitutional Court without seeking compliance with the judgments of the Court of Justice of the European Union (CJEU) is legitimate use of state sovereignty, which is in compliance with the EU treaties; further recalls that the principle of primacy of EU law has no basis in the EU treaties except for the normative ambiguous Declaration 17 to the Treaty on European Union;
(CJEU), *thereby undermining the* primacy of EU law;

**Amendment 20**
Daniel Freund
on behalf of the Greens/EFA Group

**Draft opinion**
**Paragraph 4**

*Draft opinion*

4. Expresses concern about the steps the Hungarian Government has taken to further limit the independence of the judiciary, in particular by weakening the powers of the National Judicial Council, which damages mutual trust in the EU, as national judges are judges *of first instance* of EU law and guarantee equality between EU citizens; highlights, furthermore, that the Hungarian Government increasingly relies on the Hungarian Constitutional Court to avoid compliance with the judgments of the Court of Justice of the European Union (CJEU), thereby undermining the primacy of EU law;

*Amendment*

4. Expresses concern about the steps the Hungarian Government has taken to further limit the independence of the judiciary, in particular by weakening the powers of the National Judicial Council, which damages mutual trust in the EU, as national judges are judges of EU law and guarantee equality between EU citizens; highlights, furthermore, that the Hungarian Government increasingly relies on the Hungarian Constitutional Court to avoid compliance with the judgments of the Court of Justice of the European Union (CJEU), thereby undermining the primacy of EU law;

**Amendment 21**
Daniel Freund
on behalf of the Greens/EFA Group

**Draft opinion**
**Paragraph 4 a (new)**

*Draft opinion*

4 a. Expresses deep concern about the systemic misuse of public funds from the national and EU budget to the benefit of members of the government and affiliated circles; reiterates that the EU’s Anti-fraud
Office (OLAF) found the ratio of irregular payments in Hungary in the areas of European Structural and Investment Funds and Agriculture between 2015 and 2019 to be more than ten times higher than EU average; further notes that in 2019, the Commission imposed financial corrections of around 1 billion EUR on Hungary after having found systemic irregularities in the procurement system, which constitutes the highest correction in the EU in the 2014-2020 financial period; recalls that the Council of Europe’s Group of States against Corruption (GRECO) in its 2020 report labelled the Hungarian government’s compliance with its recommendations as “globally unsatisfactory”\(^1\); notes that some new high-level cases involving politicians were opened since 2020, however the track record of investigations of allegations concerning high-level officials and their immediate circle remains limited\(^1\); notes that companies close to the government won 21% of the value of all public tenders in 2019 and 27% of the value of all public tenders in 2020\(^1\);


Amendment 22
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4 b. Regrets the lack of proper follow up to its reasoned proposal calling on the Council to determine, pursuant to Article 7(1) of the TEU, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded; stresses the high thresholds needed for the activation and use of this provision in the Council and the political considerations influencing the procedure;

Or. en

Amendment 23
Włodzimierz Cimoszewicz, Klára Dobrev

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU, should be implemented in an open, regular and structured manner; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; calls on the Council to systematically provide the Member State concerned with recommendations, and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU;

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU, should be implemented in an open, regular and structured manner; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; points in that regard that the institutional responsibility of the Parliament in triggering Article 7 procedure and principle of mutual sincere cooperation between the EU institutions enshrined in Article 13(2) TEU which should ensure its participation rights in
all aspects of the Article 7 procedures; calls on the Council to systematically provide the Member State concerned with recommendations and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU; recalls that the Council has the obligation to regularly reassess the situation in the Member State concerned and may lift a determination if it finds that the grounds do not longer apply;

Amendment 24
Laura Huhtasaari, Gerolf Annemans, Gunnar Beck, Gilles Lebreton, Jaak Madison

Draft opinion
Paragraph 5

Draft opinion

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU, should be implemented in an open, regular and structured manner; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; calls on the Council to systematically provide the Member State concerned with recommendations, and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU;

Amendment

5. Insists that the EU institutions terminate proceedings under Article 7(1) TEU due to the fact that it results in interference in internal affairs of a sovereign and independent state, which is contrary to public international law; recalls that according to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the UN General Assembly on 24 October 1970 (resolution 26/25 (XXV))1a, "[n]o state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state", and that "interference or attempted threats against the personality of the state or against its political, economic and cultural elements, are in violation of international law";

1a https://www.un.org/ruleoflaw/files/3dda1f
Amendment 25
Paulo Rangel, Vladimír Bilčík, Othmar Karas, Seán Kelly, Nathalie Colin-Oesterlé

Draft opinion
Paragraph 5

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU, should be implemented in an open, regular and structured manner; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; calls on the Council to systematically provide the Member State concerned with recommendations, and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU;

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU, should be implemented in an open, regular and structured manner; regrets therefore that the Council, invoking the COVID-19 pandemic, and the impossibility to hold physical Council meetings, only organised two hearings under Article 7 TEU since December 2019; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; calls on the Council to systematically provide the Member State concerned with recommendations including deadlines, and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU;

Amendment 26
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 5

Draft opinion

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU,

Amendment

5. Insists that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU,
should be implemented in an open, regular and structured manner; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; calls on the Council to systematically provide the Member State concerned with recommendations, and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU;

or. en

Amendment 27
Jacek Saryusz-Wolski
Draft opinion
Paragraph 5

Draft opinion

5. **Insists** that the Council’s constitutional obligation to organise hearings, enshrined in Article 7(1) TEU, should be implemented in an open, regular and structured manner; insists that in all proceedings related to Article 7 TEU, Parliament and the Commission should be treated equally; calls on the Council to systematically provide the Member State concerned with recommendations, and to oversee the implementation thereof on a regular basis, following the hearings under Article 7 TEU;

Amendment

5. Underlines that the Council has a constitutional obligation, enshrined in Article 7(1) TEU, to hear the Member State in question and not to organize endless hearings; emphasises that in all proceedings related to Article 7 TEU, it is the Council that has a leading role and other institutions may only be present in it if the Treaty allows for it; calls on the Council to promptly conclude all the Article 7 TEU procedures with a vote;

or. en

Amendment 28
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 5 a (new)

*Draft opinion*

5 a. Expresses its deep concern that the standard modalities for hearings referred to in Article 7(1) of the TEU do not ensure the same treatment for Parliament as for the Commission and one third of the Member States for the purposes of presenting the reasoned proposal; recalls that Article 7(1) of the TEU provides for equal rights and procedural status for one third of the Member States, Parliament and the Commission with regard to triggering the procedure; insists that Parliament’s invitation to a formal Council meeting is still owing on the basis of the right of initiative and the principle of sincere cooperation between institutions enshrined in Article 4(3) of the TEU; reiterates its call on the Council to keep Parliament promptly and fully informed at every stage of the procedure;

*Amendment*

5 a. Recalls that only qualified majority is required to determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2; notes that the failure to progress in Article 7 TEU procedure enables continued divergence from the values enshrined in Article 2 TEU, undermining those values and mutual trust between Member States and the EU as a whole; urges the French presidency of the Council to take the appropriate steps in order to move further the
procedure under Article 7(1) TEU;

Or. en

Amendment 30
Domèneç Ruiz Devesa, Włodzimierz Cimoszewicz

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5 a. Underlines that the implementation of Article 7(1) TEU does not require unanimity and acknowledges Council’s refusal to vote following this provision to determine that there is a "clear risk of a serious violation" to the founding values of the Union;

Or. en

Amendment 31
Daniel Freund
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5 b. Points out that the failure by the Council to make effective use of Article 7 of the TEU continues to undermine the integrity of common European values, mutual trust, and the credibility of the Union as a whole; reiterates its position on its own proposal calling on the Council to determine, pursuant to Article 7(1) of the TEU, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded; calls on the Commission to make full use of the tools available to address a clear risk of a serious breach by Hungary of the values on which the Union is founded, in
particular expedited infringement procedures and applications for interim measures before the Court of Justice;

Or. en

Amendment 32
Włodzimierz Cimoszewicz, Klára Dobrev

Draft opinion
Paragraph 6

Draft opinion

6. Welcomes the judgment of the CJEU in cases C-156/21 and C-157/21 of 16 February 2022, which confirms the validity of the Rule of Law Conditionality Regulation, as it is based on an appropriate legal basis and is compatible with the procedure laid down in Article 7 TEU;

insist that application of the conditionality Regulation is a tool complementary to Article 7 procedure, is directly applicable in all Member States and enforceable since January 2021 and calls on the Commission to undertake all the necessary actions for its effective enforcement; points with concern with regard to the protection of the EU budget to the recent amendments to laws narrowing the scope of application of public procurement rules in Hungary leading to reduced scrutiny and increased risk of corruption; points furthermore to a clear lack of cooperation with OLAF, as well as failures to recover of amounts due from economic operators which committed irregularity or fraud;

Or. en

Amendment 33
Daniel Freund
on behalf of the Greens/EFA Group
6. Welcomes the judgment of the CJEU in cases C-156/21 and C-157/21 of 16 February 2022, which confirms the validity of the Rule of Law Conditionality Regulation, as it is based on an appropriate legal basis and is compatible with the procedure laid down in Article 7 TEU; calls on the Commission to trigger as soon as possible the Rule of Law Conditionality Regulation on all the grounds addressed in the letter sent to Hungary by the Commission on 19 November 2021;
6 a. Reiterates that approval of the national plans under the Recovery and Resilience Facility should be made conditional on the fulfilment of all 11 criteria set out in Article 19 of and Annex V to the regulation on the Recovery and Resilience Facility; expects the Commission to exclude all risks of programmes under cohesion policy contributing to the misuse of EU funds or to breaches of the rule of law before approving the partnership agreements and cohesion policy programmes; calls on the Commission to apply the Common Provisions Regulation and the Financial Regulation more stringently in order to tackle the discriminatory use of EU funds, in particular any use of a politically motivated nature;

Or. en

Amendment 36
Paulo Rangel, Vladimír Bilčík, Othmar Karas, Seán Kelly

Draft opinion
Paragraph 6 a (new)

6 a. Salutes the decision of the European Commission President Ursula von der Leyen to launch the Rule of Law Conditionality mechanism against Hungary; Regrets however that this decision was taken with significant delay;

Or. en

Amendment 37
Jacek Saryusz-Wolski

Draft opinion
Paragraph 7
7. **Insists that legitimacy of the EU’s action on the rule of law needs to be underpinned by a coherent, effective and visible EU annual rule of law monitoring cycle, which should also integrate procedures under Article 7 TEU and under the Rule of Law Conditionality Regulation; calls on the Council and the Commission to respond without delay to Parliament’s requests to negotiate an interinstitutional agreement under Article 295 TFEU framing such a mechanism;**

**Amendment**

deleted

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**Amendment 38**

Daniel Freund

on behalf of the Greens/EFA Group

**Draft opinion**

**Paragraph 7**

7. Takes the view that the latest developments in the ongoing hearings under Article 7(1) of the TEU once again underline the imminent need for an EU mechanism on democracy, the rule of law and fundamental rights (DRF), as proposed by Parliament, in the form of an interinstitutional agreement including a coherent, effective and visible EU annual DRF monitoring cycle, which should also take into account procedures under Article 7 TEU and under the Rule of Law Conditionality Regulation; reiterates that the mechanism must complement and reinforce, rather than substitute, the ongoing and future proceedings under Article 7 of the TEU; calls on the Council and the Commission to reassess without delay their reluctance to negotiate an interinstitutional agreement under Article 295 TFEU framing such a mechanism;
Amendment 39
Laura Huhtasaari, Gerolf Annemans, Gunnar Beck, Gilles Lebreton, Jaak Madison

Draft opinion
Paragraph 7

Draft opinion

7. **Insists** that legitimacy of the EU’s action on the rule of law needs to be underpinned by a coherent, effective and visible EU annual rule of law monitoring cycle, which should also integrate procedures under Article 7 TEU and under the Rule of Law Conditionality Regulation; calls on the Council and the Commission to respond without delay to Parliament’s requests to negotiate an interinstitutional agreement under Article 295 TFEU framing such a mechanism;

Amendment

7. **Points out** that legitimacy of the EU suffers from actions that create tensions and erode unity between the Member States e.g. from procedures under Article 7 TEU and under the Rule of Law Conditionality Regulation; calls on the Council and the Commission to terminate aforementioned proceedings;

Or. en

Amendment 40
Maïté Pagazaurtundúa, Alin Mituța, Sophia in 't Veld, Charles Goerens, Sandro Gozi, Anna Júlia Donáth

Draft opinion
Paragraph 7 a (new)

Draft opinion

7 a. **Draws attention to the consequences of the war in Ukraine and the need for immediate responses from Member States. Calls on the Commission to ensure that the need for immediate responses does not lead to unnecessary flexibility and reduced impact of the instruments for upholding the rule of law in the Union, pursuant to both Article 7 TEU and the budgetary conditionality regulation;**
Amendment 41
Domènec Ruiz Devesa, Włodzimierz Cimoszewicz

Draft opinion
Paragraph 7 a (new)

Draft opinion

7 a. Takes note of the recommendations adopted by the Citizens Panel 2 on “European democracy, values and rights and security” in the Conference on the Future of Europe and in particular the number 10 and 11, including the extension of the conditionality mechanism to cover “all violations of the rule of law;”

Amendment

Amendment 42
Domènec Ruiz Devesa, Włodzimierz Cimoszewicz

Draft opinion
Paragraph 7 b (new)

Draft opinion

7 b. Calls to reform the Treaty to remove the unanimity decision-making in the implementation of Article 7(2) in favour of majority in Council to “determine the existence of a serious and persistent breach by a Member State of the values referred in Article 2” TEU;

Amendment

Amendment 43
Jacek Saryusz-Wolski

Draft opinion
Paragraph 8

Draft opinion

8. Takes note of the recent parliamentary elections in Hungary and insists that any Hungarian government elected remains responsible for eliminating the risk of serious breaches of EU values.

Amendment

8. Takes note of the recent parliamentary elections in Hungary and insists that the Hungarian government remains responsible for eliminating the risk of serious breaches of EU values;

Amendment 44

Paulo Rangel, Vladimír Bilčík, Othmar Karas, Seán Kelly

Draft opinion
Paragraph 8

Draft opinion

8. Takes note of the recent parliamentary elections in Hungary and insists that any Hungarian government elected remains responsible for eliminating the risk of serious breaches of EU values.

Amendment

8. Takes note of the recent parliamentary elections in Hungary and insists that the Hungarian government remains responsible for eliminating the risk of serious breaches of EU values;

Amendment 45

Laura Huhtasaari, Gerolf Annemans, Gunnar Beck, Gilles Lebreton, Jaak Madison

Draft opinion
Paragraph 8

Draft opinion

8. Takes note of the recent parliamentary elections in Hungary and insists that any Hungarian government elected remains responsible for eliminating the risk of serious breaches of EU values.

Amendment

8. Takes note of the recent parliamentary elections in Hungary and totally respects their legitimate and democratic outcome;
Amendment 46
Paulo Rangel, Vladimír Bilčík, Othmar Karas, Seán Kelly, Nathalie Colin-Oesterlé

Draft opinion
Paragraph 8 a (new)

Draft opinion

8 a. Thoroughly condemns the criticism of the re-elected Prime Minister of Hungary of the President of Ukraine and deplores the increasing ties of Hungary with Russia, given the invasion of Ukraine by the latter;

Or. en