

**Question for written answer E-004903/2011
to the Commission
Rule 117
Jaroslav Paška (EFD)**

Subject: What action will the Commission take to compel Hungary to bring the provisions of its newly adopted constitution into line with the commitments of the present-day Republic of Hungary under valid international agreements?

On 18 April 2011, the Hungarian Parliament adopted a new draft constitution, which will come into force on 1 January 2012. Hungarian President Pál Schmitt signed the law on 25 April 2011.

According to currently available information, this fundamental law of the republic is based on the presumption of the legal continuity of Hungary with the former Greater Hungary, including the validity of the so-called historical constitution.

In its opening 'national avowal of faith' the new constitution amends three principles for interpretation which according to international law experts fundamentally affect the position under international law of the states bordering Hungary.

A cause for concern, for example, is the statement that Hungarians were prevented from freely expressing their will during the period from 19 March 1944 to 2 May 1990.

That may mean that if not only the constitutional order, but also freedom of assembly was not permitted in Hungary during that period, then Hungary is also calling into question the validity of many agreements concluded 'without the free expression of the will' of the people.

Through this, the new Hungarian Constitution likewise casts doubt, in terms not only of constitutional law but also of international law, on agreements establishing the current borders of Hungary. Since this involves the implicit calling into question of the validity of the borders of neighbouring states, by the highest law in the land of an EU Member State, Hungary, then this can only be perceived as a concealed attack on the foundations of the peaceful, post-war order in Europe, an attack on the basis for the territorial integrity of neighbouring countries and on good neighbourly relations.

I therefore ask what action the Commission will take to compel Hungary to bring the provisions of its newly adopted constitution into line with the commitments of the present-day Republic of Hungary under valid international agreements.