



TEXTS ADOPTED

P10_TA(2025)0283

Existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded

European Parliament resolution of 25 November 2025 on the 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))

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Articles 2, 4(3), 7(1) and 10 thereof,
- having regard to the Charter of Fundamental Rights of the European Union (the Charter),
- having regard to the European Convention on Human Rights and the protocols thereto,
- having regard to the Universal Declaration of Human Rights,
- having regard to the international human rights treaties of the United Nations and the Council of Europe,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget¹ (the Rule of Law Conditionality Regulation),
- having regard to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy² (the Common Provisions Regulation),

¹ OJ L 433 I, 22.12.2020, p. 1, ELI: <http://data.europa.eu/eli/reg/2020/2092/oj>.

² OJ L 231, 30.6.2021, p. 159, ELI: <http://data.europa.eu/eli/reg/2021/1060/oj>.

- having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility³ (the RRF Regulation),
- having regard to Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union⁴ (the Financial Regulation),
- having regard to the Rule of Law Checklist adopted by the Venice Commission at its 106th plenary session in Venice on 11 to 12 March 2016,
- having regard to its resolution of 12 September 2018 on a proposal calling on the Council to determine, 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 founded⁵,
- having regard to its resolutions of 16 January 2020⁶ and 5 May 2022⁷ on ongoing hearings under Article 7(1) of the TEU regarding Poland and Hungary,
- having regard to its resolution of 10 March 2022 on the rule of law and the consequences of the ECJ ruling⁸,
- having regard to its resolution of 15 September 2022 on the 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 founded⁹,
- having regard to its resolution of 24 November 2022 on the assessment of Hungary's compliance with the rule of law conditions under the Conditionality Regulation and state of play of the Hungarian RRP¹⁰,
- having regard to its resolution of 1 June 2023 on the breaches of the Rule of Law and fundamental rights in Hungary and frozen EU funds¹¹,
- having regard to its resolution of 18 January 2024 on the situation in Hungary and frozen EU funds¹²,
- having regard to its resolution of 24 April 2024 on ongoing hearings under Article 7(1) TEU regarding Hungary to strengthen the rule of law and its budgetary implications¹³,

³ OJ L 57, 18.2.2021, p. 17, ELI: <http://data.europa.eu/eli/reg/2021/241/oj>.

⁴ OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>.

⁵ OJ C 433, 23.12.2019, p. 66.

⁶ OJ C 270, 7.7.2021, p. 91.

⁷ OJ C 465, 6.12.2022, p. 147.

⁸ OJ C 347, 9.9.2022, p. 168.

⁹ OJ C 125, 5.4.2023, p. 463.

¹⁰ OJ C 167, 11.5.2023, p. 74.

¹¹ OJ C, C/2023/1223, 21.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1223/oj>.

¹² OJ C, C/2024/5742, 17.10.2024, ELI: <http://data.europa.eu/eli/C/2024/5742/oj>.

¹³ OJ C, C/2025/3705, 17.9.2025, ELI: <http://data.europa.eu/eli/C/2025/3705/oj>.

- having regard to the country chapters on Hungary in the Commission’s annual rule of law reports, specifically the 2025 country chapter on the rule of law situation in Hungary (SWD(2025)0917) accompanying the 2025 Rule of Law Report (COM(2025)0900) published on 8 July 2025, which found that Hungary in particular had failed to make any headway on all but one of the key recommendations issued the previous year,
 - having regard to the observations of its Committee on Civil Liberties, Justice and Home Affairs’ fact-finding mission to Hungary from 14 to 16 April 2025,
 - having regard to the Commission Decision of 16 December 2024 pursuant to Article 7(2) of Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, concerning a written notification from Hungary with regard to Article 2(2) of Council Implementing Decision (EU) 2022/2506 of 15 December 2022 (C(2024)9140),
 - having regard to Rule 107(5) of its Rules of Procedure,
 - having regard to the interim report of the Committee on Civil Liberties, Justice and Home Affairs (A10-0231/2025),
- A. whereas 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, as set out in Article 2 TEU and as reflected in the Charter and embedded in international human rights treaties and case-law; whereas those values, which are common to the Member States, constitute the foundation of the rights enjoyed by those living in the Member States of the Union;
- B. whereas any clear risk of a serious breach by a Member State of the values referred to in Article 2 TEU does not concern solely the individual Member State where the risk has materialised, but has an impact on the proper functioning of EU institutions, on the other Member States, on mutual trust between them, on the effectiveness of Union decision-making procedures free from bargaining, especially in urgent situations, on democratic foundations and on the very nature of the EU and its citizens’ fundamental rights under EU law;
- C. whereas as is apparent from Article 49 TEU, which provides for the possibility for any European state to apply to become a member of the European Union, the European Union is composed of states which have freely and voluntarily committed themselves to the common values referred to in Article 2 TEU, which respect those values and which undertake to promote them, with EU law being based on the fundamental premise that each Member State shares with all the other Member States, and recognises that those Member States share with it, those same values; whereas compliance by a Member State with the values enshrined in Article 2 TEU is a condition for the enjoyment of all of the rights deriving from the application of the Treaties to that Member State, and a Member State cannot therefore amend its legislation in such a way as to bring about a reduction in the protection of those values;
- D. whereas, according to Article 7 TEU, the Union can assess the existence of a clear risk of a serious breach of the values referred to in Article 2 TEU, or it can determine the

existence of a serious and persistent breach by a Member State of the values referred to in Article 2 TEU;

- E. whereas the scope of Article 7 TEU is not confined to the obligations under the Treaties, unlike Article 258 of the Treaty on the Functioning of the European Union (TFEU); whereas the EU can assess the existence of a clear risk of a serious breach of the common values also in areas falling under Member States' competences;
- F. whereas the principle of solidarity is one of the fundamental principles of EU law and is one of the values common to the Member States on which the European Union is founded, pursuant to Article 2 TEU¹⁴; whereas Article 24(3) TEU stipulates that Member States must support the Union's external and security policy actively and unreservedly, in a spirit of loyalty and mutual solidarity, and must comply with the Union's action in this area;
- G. whereas in 2018, acting on a proposal from Parliament, the Council initiated the procedure laid down in Article 7(1) TEU with a view to addressing a clear risk of a serious breach by Hungary of the values referred to in Article 2 TEU; whereas nine hearings on the situation in Hungary under the Article 7(1) TEU procedure have taken place in the Council since the start of the procedure, but the Council has not yet attempted to determine whether such a risk exists, and has not addressed any recommendations to the Government of Hungary;
- H. whereas for many years, the situation in Hungary has not been addressed sufficiently by the Hungarian authorities and many breaches remain; whereas in the meantime, many new issues have arisen, which, in addition to the above, are having a negative effect on the Union's image, as well as its effectiveness and credibility in the defence of fundamental rights, human rights and democracy globally, and which reveal the need to address them through concerted Union action; whereas the general situation regarding respect for the values enshrined in Article 2 TEU has not improved since 2018, or since the adoption of the 2022 report, but has instead further and gravely deteriorated; whereas the concerns expressed in its previous resolutions, decisions and positions remain relevant;
- I. whereas the Hungarian authorities – as repeatedly determined by the Commission – have failed to address the shortcomings related to the judiciary, the fight against corruption, the management of public funds, academic freedom, non-discrimination in the context of Case C-769/22¹⁵, and the right to asylum in the context of Cases C-808/18¹⁶, C-821/19¹⁷ and C-823/21¹⁸, identified under the Rule of Law Conditionality Regulation, Common Provisions Regulation and RRF Regulation; whereas the

¹⁴ Judgment of 13 June 2024, *Commission v Hungary* (Accueil des demandeurs de protection internationale II), C-123/22, ECLI:EU:C:2024:493, paragraph 116.

¹⁵ Opinion of 5 June 2025, *Commission v Hungary* (Valeurs de l'Union), C-769/22, ECLI:EU:C:2025:408.

¹⁶ Judgment of 17 December 2020, *Commission v Hungary* (Accueil des demandeurs de protection internationale), C-808/18, ECLI:EU:C:2020:1029.

¹⁷ Judgment of 16 November 2021, *Commission v Hungary* (Incrimination de l'aide aux demandeurs d'asile), C-821/19, ECLI:EU:C:2021:930.

¹⁸ Judgment of 22 June 2023, *Commission v Hungary* (Déclaration d'intention préalable à une demande d'asile), C-823/21, ECLI:EU:C:2023:504.

deliberate refusal of the Hungarian Government to act on those shortcomings deprives Hungarian citizens from billions of euros in much needed EU financial assistance; whereas the government's failure to act has already led to the irrevocable loss of more than EUR 1 billion of cohesion policy funding; whereas the Common Provisions Regulation states that for the Partnership Agreement and each programme, each Member State must organise and implement a comprehensive partnership, including regional, local, urban and other public authorities, economic and social partners and relevant bodies representing civil society;

- J. whereas on 16 December 2024, in its decision pursuant to Article 7(2) of the Rule of Law Conditionality Regulation, concerning a written notification from Hungary with regard to Article 2(2) of Council Implementing Decision (EU) 2022/2506 of 15 December 2022¹⁹ the Commission found that the legislative amendments did not adequately address the outstanding concerns on conflicts of interest on the boards of public interest trusts and concluded that the measures on public interest trusts and entities maintained by them should remain in place; whereas for several years, many higher education institutions and research centres have been excluded from participation in the Erasmus+ and Horizon Europe programmes, restricting Hungarian students and researchers from accessing EU mobility and research opportunities;
- K. whereas on 25 September 2025, the Commission amended two implementing decisions regarding the programmes Digital Renewal Operational Programme Plus and Economic Development and Innovation Operational Programme Plus, for support from the European Regional Development Fund and the European Social Fund Plus, following a request by the Hungarian authorities in March 2025 as part of efforts to regain access to blocked funds; whereas there have been reports that these amendments may be linked with efforts to secure consent for the adoption of additional restrictive measures against Russia; whereas the amendments entailed the transfer of EUR 545 million for the creation of new priorities under the Strategic Technologies for Europe Platform (STEP); whereas out of this amount, EUR 395 million come from resources initially blocked due to the unfulfilled horizontal enabling condition on the Charter; whereas the Commission blocked the reimbursement of expenditure under those STEP priorities, as such priorities are affected by the unfulfilled horizontal enabling condition on the Charter for academic freedom-related issues; whereas Hungary is eligible for additional pre-financing of EUR 163.3 million, as the non-fulfilment of an enabling condition does not block the payment of pre-financing; whereas in 2026, Hungary will also receive additional one-off pre-financing of EUR 154 million for the Digital Renewal Operational Programme Plus, introduced with the cohesion mid-term review and reserved for eastern border regions; whereas previously, the Hungarian authorities applied for the reallocation of certain blocked funds amounting to EUR 156 million under de minimis rules in the Common Provisions Regulation, which did not require the Commission's approval;
- L. whereas the Commission indicated that any involvement of higher education institutions governed by public interest trusts would pose a serious risk to academic freedom, since the right to academic freedom is considered to be restricted in the affected institutions,

¹⁹ Council Implementing Decision (EU) 2022/2506 of 15 December 2022 on measures for the protection of the Union budget against breaches of the principles of the rule of law in Hungary (OJ L 325, 20.12.2022, p. 94, ELI: http://data.europa.eu/eli/dec_impl/2022/2506/oj).

through influence exercised by the legislative or executive powers, directly or indirectly, on, in particular, appointments, teaching curriculums, research projects and publications; whereas there is a risk that staff involved in the implementation of the activities will be selected on the basis of their alignment with the university management's political views instead of merit and expertise;

- M. whereas concerns have been raised regarding the manner in which the 2024 Hungarian Presidency of the Council of the European Union was used for domestic political purposes, including through official visits and public speeches, thereby undermining the impartial and consensus-building role expected from the presidency;
- N. whereas there is an increasing consensus among experts that Hungary is no longer a democracy; whereas according to the University of Gothenburg's V-Dem Democracy Report 2025, Hungary is characterised as an electoral autocracy in an episode of autocratisation, as of 2024; whereas Hungary was identified as an 'autocratising hybrid' in the 2024 Freedom House Nations in Transit Report; whereas Hungary is rated as a 'flawed democracy' in the Economist Intelligence Unit's 2024 Democracy Index; whereas Hungary ranks 79th out of 143 in the World Justice Project Rule of Law Index 2025;

Functioning of the constitutional and electoral system

- O. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the continued rule by decree under the so-called 'state of danger', first because of COVID-19, then because of the Russian invasion of Ukraine, which would allow the government to suspend the application of certain laws, diverge from legal provisions and introduce other emergency measures; whereas it expressed further concerns about the speed of constitutional and legislative changes, including the continued use of accelerated legislative procedures and the lack of public debate and consultation of stakeholders, the apparent lack of transparency and absence of parliamentary oversight on public finances, the ongoing hostile political climate characterised by smear campaigns, surveillance and online and physical intimidation, and the growing polarising narrative by political actors using aggressive rhetoric, for example, calling critical actors – including judges, media and non-governmental organisations (NGOs) – 'bedbugs to be eliminated', hence fuelling hostility and undermining checks and balances; whereas it expressed further concerns about recent changes to the electoral legal framework introducing redistricting with potentially direct implications for electoral fairness, draft legislation putting cities with budget deficits under heightened budgetary supervision, with the risk of undermining the financial and operational independence of cities, alleged political bias, lack of transparency and potential conflicts of interest affecting the Hungarian State Audit Office (ÁSZ), the perceived lack of effective protection of fundamental rights since the abolition in 2021 of the Equal Treatment Authority and the ineffective role of the Ombudsman's Office, which would leave victims, including LGBTIQ+ persons, without recourse;
- P. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that the lawmaking process remains a serious source of concern, with certain important legislative processes not being linked to public consultation requirements; whereas according to the report, stakeholders reported that draft pieces of legislation are only open to the statutory eight-day consultation period,

without meaningful feedback being provided; whereas they further noted that significant legislative changes are often adopted without genuine public consultation or parliamentary debate, as the government tends to present bills with only technical amendments, which are then, following a purely formal process, supplemented with entirely new provisions introduced at the Committee on Legislation stage just before the final vote in the Hungarian Parliament; whereas the frequent changes and low quality of legislation have also raised concerns among businesses regarding the effectiveness of investment protection in Hungary; whereas the Commission indicated that in 2025, the National Assembly adopted new rules for Hungarian Members of the European Parliament (Act XX of 2025), which lay down that non-compliance with asset declaration obligations could lead to the termination of their mandate by the Electoral Commission; whereas the Commission mentioned that on 17 June 2025, in an expedited procedure, the National Assembly passed a law that removes the cap on political campaign expenses (Act LXVIII of 2025);

- Q. whereas on 30 September 2025, the Parliamentary Assembly of the Council of Europe adopted Resolution 2617(2025) on the honouring of membership obligations to the Council of Europe by Hungary; whereas through this resolution, the Parliamentary Assembly of the Council of Europe reiterated its concerns about the weakening of democratic checks and balances, as well as the instrumentalisation of constitutional norms, the Fundamental Law and cardinal laws, to cement the political preferences of the ruling party; whereas it called for assurances that appointments by the Hungarian Parliament to the Constitutional Court, to high judicial positions and to independent supervisory bodies are made irrespective of the candidate's political affiliation, in line with the Venice Commission's opinions and reports, in particular in relation to qualified majorities and anti-deadlock mechanisms; whereas it noted the concerns regarding the law-making process, in particular as to its transparency, the effectiveness of public consultations on draft legislation and the role of the opposition in parliament; whereas it expressed deep concern at the fact that Hungary had been under a special legal order since 2020, enabling the government to enact emergency decrees that override ordinary laws and further erode parliamentary oversight and checks and balances; whereas it urged the Hungarian authorities to put an end to this 'state of danger' special legal order well before the next elections; whereas it noted that successive reforms had amplified the distortion between the number of votes received and the number of seats held; whereas it held that the reforms had favoured dominant parties, turning Fidesz's electoral victories into two-thirds constitutional majorities in every election since 2014; whereas it noted that according to the Venice Commission's Opinion on Act LXXIX of 2024 amending certain laws relating to elections, the latest electoral reform failed to address this concern; whereas it concurred with the Venice Commission in calling for a complete overhaul of the electoral legislation after the 2026 elections, based on an inclusive consultation with the main political parties, civil society organisations and scholars;
- R. whereas in its Opinion of 16 June 2025 on Act LXXIX of 2024 amending certain laws relating to elections, the Venice Commission recommended that a reform be adopted after the 2026 parliamentary elections, but well in advance – at least one year – of the following elections, based on a broad consensus after extensive public consultations with all relevant stakeholders; whereas this reform should take into account previous pending recommendations made by the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe in 2012 and 2021, in particular as regards the distribution of

constituencies and drawing of constituency boundaries, reducing significantly the number of single-member constituencies and the number of counties in which each party needs to nominate candidates simultaneously in order to be able to run a national list of candidates, as well as lessons learned from the 2026 parliamentary elections, including recommendations made by international election observers; whereas the Venice Commission indicated that the process by which Act LXXIX of 2024 was initiated and adopted – as well as the specific boundary changes – suggests possible political motivations behind the reform, that the whole process lacked transparency and open debate, and that the delimitation of constituencies by (cardinal) law should be avoided, since such a rigid regulation makes the necessary adaptation of the delimitation to demographic evolution dependent on a political decision;

- S. whereas, since its entry into force on 1 January 2012, the Fundamental Law of Hungary has already been amended fifteen times, an unusually high number for a constitutional text, which undermines legal certainty, weakens institutional stability, and raises serious concerns about respect for the principles of the rule of law; whereas in its Opinion of 13 October 2025 on the compatibility with international human rights standards of the Fifteenth Amendment to the Fundamental Law of Hungary, the Venice Commission expressed regret that the amendments in question were adopted without ensuring an inclusive public debate and in the absence of a genuine consultation of all the relevant stakeholders; whereas it indicated that the amendment on gender should not serve as a legal basis for prohibiting the legal recognition of gender identity and should not have the effect of denying the rights of transgender people to the legal recognition of their gender identity; whereas the Venice Commission also stated that the amendment on precedence of the right of the child was not compatible with international human rights standards, and that the legislation concerning the suspension of citizenship should be modified;
- T. whereas on 24 July 2025, Pre-Trial Chamber I of the International Criminal Court found that Hungary had failed to comply with a request to cooperate, contrary to the provisions of the Rome Statute of the International Criminal Court, and referred this instance of non-compliance to the Assembly of States Parties; whereas on 2 June 2025, the Hungarian authorities formally notified the United Nations secretary-general that Hungary was withdrawing from the Rome Statute, effective as of 2 June 2026; whereas on 5 June 2025, the President of the Assembly of States Parties reiterated their regret regarding the withdrawal of Hungary;

Independence of the judiciary and of other institutions and the rights of judges

- U. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the continued lack of implementation of the judgments of the European Court of Human Rights (ECtHR) and the Court of Justice of the EU (CJEU) relating to the rule of law and fundamental rights protection; whereas it expressed further concerns about continued and new challenges to judicial independence and impartiality, related to concerns about the lowering of professional criteria for judicial appointments, pressure on judges through disciplinary mechanisms, and limited transparency in case management, especially in the Supreme Court (Kúria), judicial reforms being conducted without meaningful consultation of judicial associations, and with public vilification of judges making use of their right to protest, persistent challenges to the timeliness and effectiveness of judicial review, allegedly due to low judicial salaries and staffing shortages, and the role

and impartiality of the Uniformity Chamber of the *Kúria*; whereas it also expressed concerns about the systematic weakening of the National Judicial Council (NJC), including the repeated bypassing of its mandatory consultation in judicial reforms and the resignation of several of its members in protest, signalling an institutional crisis undermining judicial self-governance; whereas the mission further noted concerns regarding the National Office for the Judiciary, which, despite claiming to operate an automated case allocation system, continues to raise serious doubts about transparency and impartiality, with stakeholders warning of risks of influence or manipulation, particularly in politically sensitive cases;

- V. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that the NJC has continued to exercise the powers acquired by means of the judicial reform of 2023; whereas it further indicated that new rules have been introduced for the appointment and career of judges, and that, in line with the legislation in force, the process did not always include the consultation of the NJC on some of the relevant legislative amendments; whereas it further indicated that the transparency of case allocation in lower courts has not been improved, although the case allocation in the *Kúria* is being implemented well; whereas it further indicated that the *Kúria* continues to enforce uniformity of case-law through its uniformity complaint panel but undue pressure on some judges continues within the judiciary, notably in relation to internal debates on key issues related to judicial independence; whereas it further indicated that an increase in salaries in the justice system is being carried out in three steps until 2027, and that the efficiency of the judiciary and digitalisation of the justice system continues to be high overall; whereas the Commission indicated that, on 1 January 2025, Hungary had 47 leading ECtHR judgments pending implementation, and that, on 16 June 2025, the number of leading judgments pending implementation had increased to 52; whereas it further indicated that Hungary's rate of implementation of leading judgments from the past 10 years stood at 26 %, and that the oldest leading judgment has been pending implementation for more than 15 years; whereas the Commission highlighted shortcomings in the legal aid scheme and recommended measures to ensure that the ongoing increase in the remuneration of judges, prosecutors and judicial and prosecutorial staff is carried out in a structured manner, taking into account European standards on remuneration for the justice system;
- W. whereas on 17 July 2025, the Commission decided to refer Hungary to the CJEU for contradicting the Union's position on intra-EU arbitrations under the Energy Charter Treaty and not abiding by the case-law of the CJEU;
- X. whereas in its Opinion of 16 June 2025 on the constitutional and legislative amendments concerning the requirements to be appointed Prosecutor General and Constitutional Court Judge of Hungary, as well as the appointment and retirement of judges, the Venice Commission expressed regret that the amendments under examination had been adopted through a procedure which did not include any impact assessment or meaningful consultations with the public or with the relevant stakeholders, including the judiciary; whereas the Venice Commission recommended amending the eligibility criteria for the position of Prosecutor General by providing that he/she be appointed among the senior career prosecutors or that he/she meet substantially higher professional eligibility criteria, such as having significant work experience as a prosecutor, judge, lawyer or similar, and specific competencies required for this high-level organisational role, including managerial skills; whereas it recommended considering the introduction of sufficient guarantees in the Prosecutor

General's appointment process, such as the establishment of a Prosecutorial Council; whereas it found that the system that would best respect the principle of judicial independence would be one in which judges can, as a rule, remain in office until a mandatory retirement age of 70 if they so wish, otherwise retire when they have reached the ordinary legal threshold for retirement, i.e. 65 years old, and any alternative mechanism authorising extensions upon request to the period of judicial activity beyond the normal retirement age (65 years old), should be based on clear, verifiable and objective criteria to avoid any undue discretion of the deciding authority; whereas it recommended clarifying what kind of experience 'in the field of law' would qualify a candidate to be appointed Constitutional Court judge, in order to avoid any undue discretion of the appointing body;

- Y. whereas in its Opinion of 16 June 2025 on certain provisions of Act XVII of 2024 concerning the power of the Minister of Justice to have access to judicial and prosecutorial decisions as well as related documents, the Venice Commission found that it had not been convincingly demonstrated why the existing possibility for the Minister of Justice to request information on statistical data and judicial practice, along with access to an extensive public database of judicial decisions, would not be sufficient in itself to achieve the legitimate aim pursued; whereas it indicated that obtaining prosecutorial decisions, in particular those that, although final and non-appealable, concern the closing of a case, raises significant proportionality issues, as such a mechanism could potentially compromise the effectiveness of the prosecution service as well as impinge upon its perceived independence from the executive;
- Z. whereas in its decision of 4-6 March 2025 concerning the pending enhanced supervision of the execution of the judgment of the ECtHR in *Baka v. Hungary*, the Committee of Ministers of the Council of Europe noted with profound concern the Hungarian authorities' continued failure to take any measures, nearly nine years after the judgment, to ensure judicial review of the removal of the Kúria President; whereas it strongly urged the authorities to amend the legislation, as they had previously announced, to ensure that effective oversight by an independent judicial body is guaranteed with regard to the removal of the President of the Kúria; whereas it regretted that the information submitted by the authorities in response to the Committee's request for an evaluation of judges' freedom of expression still does not include any comprehensive analysis of the impact of the relevant legal provisions in practice and of whether their application has contributed to the dispelling of the 'chilling effect', which the Committee has strongly exhorted the authorities to provide; whereas it invited the Hungarian authorities, in this context and in light of the concerns expressed by civil society and Hungarian judges themselves, to consider adopting further general measures to address the 'chilling effect' present in the judiciary and to ensure that judges' freedom of expression, notably related to matters of public interest concerning the judiciary, is unambiguously guaranteed not only in theory but also in practice;
- AA. whereas in its decision of 4-6 March 2025 concerning the pending enhanced supervision of the execution of the ECtHR judgments in *Gazsó group v. Hungary*, the Committee of Ministers of the Council of Europe noted with satisfaction the continuing positive trends as regards the efficiency of the Hungarian judiciary, but as regards the outstanding issue of compensatory remedy in respect of excessively long criminal, administrative, and non-contentious civil proceedings, reiterated its profound concern about the continued lack of any development;

Corruption and conflicts of interest

- AB. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about alleged engrained and institutionalised corruption, including by means of abuse of the public procurement system and political advertising, a failing anti-corruption task force, limited powers and limited access to prosecution follow-up information for the Integrity Authority, restricting its ability to effectively combat corruption and abuse of public funds, and a lack of high-profile corruption cases being put to trial;
- AC. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that the implementation of the 2024-2025 National Anti-Corruption Strategy and related Action Plan is ongoing, while important actions remain pending; whereas it further indicated that the number of convictions for corruption crimes has decreased and there has been no progress to establish a robust track record on high-level corruption; whereas it further indicated that court decisions reviewing prosecutorial decisions not to investigate or prosecute corruption continue to be non-binding; whereas it further indicated that progress has yet to be made to adopt new lobbying and post-employment rules, although there are plans to legislate in this area by November 2025, and the Integrity Authority continues to report obstacles in fulfilling its oversight tasks effectively; whereas it further indicated that key shortcomings with regard to the transparency of the financing of political parties and electoral campaigns remain, competition in public procurement has been improved, and different levels of control remain for national and EU fund-related procurement; whereas the Commission indicated that there has been no progress in improving the asset declaration system, and that whistleblowing plays a limited role in the detection of corruption crimes; whereas the practical impact of the proposals made by the Anti-Corruption Task Force has been limited; whereas the risk of political influence and undue interference with individual cases in the prosecution service and the police, the absence of investigations of corruption allegations concerning high-level officials and their immediate circle, as well as clientelism, favouritism and nepotism in high-level public administration remain areas of concern; whereas, according to stakeholders, the anti-corruption action plan lacks ambition and does not sufficiently reflect relevant recommendations of the Integrity Authority; whereas stakeholders report increased corruption risks due to an excessive use of concession contracts, that many framework agreements were concluded with a single bidder, that framework agreements concluded by central purchasing bodies have allowed certain economic operators to become market leaders or to acquire a dominant position at the expense of their competitors, and that concerns remain regarding favouritism in tender processes and selective awarding to political affiliates, which increase corruption risks;
- AD. whereas on 18 June 2025, the Commission decided to close the infringement case regarding the correct transposition of Directive 2014/24/EU on public procurement²⁰, Directive 2014/23/EU on the award of concession contracts²¹ and Directive 2014/25/EU

²⁰ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65, ELI: <http://data.europa.eu/eli/dir/2014/24/oj>).

²¹ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1, ELI: <http://data.europa.eu/eli/dir/2014/23/oj>).

on procurement by entities operating in the water, energy, transport and postal services sectors²²; whereas on 12 February 2025, the Commission decided to open an infringement procedure by sending a letter of formal notice for the use of competitive procedures with negotiation in breach of Directive 2014/24/EU on public procurement, but decided to close the case on 8 October 2025; whereas on 18 June 2025, the Commission decided to open an infringement procedure by sending a letter of formal notice for failing to award a high-value exploitation contract for sand and gravel mining sites in an open and transparent tender procedure; whereas on 17 July 2025, the Commission decided to send an additional letter of formal notice for failing to comply with EU rules on public procurement and concessions when awarding a contract for the construction, operation and maintenance of the motorway network;

- AE. whereas on 30 September 2025, the Parliamentary Assembly of the Council of Europe adopted Resolution 2617(2025) on the honouring of membership obligations to the Council of Europe by Hungary, where it mentioned that the lack of political will to tackle high-level corruption is deeply disturbing; whereas it called on the Hungarian authorities to authorise without delay the publication of the Group of States against Corruption (GRECO) reports assessing compliance regarding prevention of corruption in top executive functions and in respect of members of parliament, judges and prosecutors, to strengthen independent anti-corruption institutions, and to ensure transparent public procurement practices; whereas it called on Hungary to ensure public oversight over ‘public interest asset management foundations’ (KEKVAs) by guaranteeing transparent governance, parliamentary scrutiny, and accountability for all public assets and funds managed by these entities;
- AF. whereas on 24 September 2025, the Corruption Research Center Budapest indicated during a public hearing in the Committee on Petitions that there is clear empirical evidence of political favouritism in Hungary;

Privacy and data protection

- AG. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that concerns related to the absence of procedural safeguards and effective oversight in case of secret surveillance measures outside criminal proceedings have not been addressed;
- AH. whereas in its decision of 10-12 June 2025 concerning the pending enhanced supervision of the execution of the ECtHR judgments in *Szabó and Vissy group v. Hungary*, the Committee of Ministers of the Council of Europe again strongly exhorted the authorities to adopt, without further delay, the measures required to bring the domestic legislation on secret surveillance for national security purposes fully and effectively into line with the European Convention on Human Rights, addressing the entirety of the shortcomings identified by the ECtHR in this group;
- AI. whereas on 21 March 2025, the Office of the UN High Commissioner for Human Rights indicated that, to protect the right to privacy and non-discrimination, authorities

²² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243, ELI: <http://data.europa.eu/eli/dir/2014/25/oj>).

should avoid using facial recognition technology to identify those peacefully participating in an assembly; whereas it recalled that public surveillance measures should be limited to those strictly necessary and proportionate for achieving legitimate objectives and should never be deployed in a discriminatory manner through targeted surveillance of peaceful assemblies of LGBTIQ+ persons or other marginalised groups; whereas on 24 March 2025, in a letter addressed to the Speaker of the National Assembly of Hungary, the Commissioner for Human Rights of the Council of Europe recalled that, in accordance with the ECtHR, the use of highly intrusive recognition technology, to identify and arrest participants for taking part in peaceful protest actions and for the purpose of pursuing a misdemeanour, is a violation of the right to private life; whereas on 9 April 2025, in their communication to the Hungarian authorities, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Rapporteur on the situation of human rights defenders, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Working Group on discrimination against women and girls indicated that the recently enacted amendments to the Act on the Right of Assembly provide for expanded use of biometric facial recognition technologies to target, identify and punish participants in such ‘prohibited assemblies’, in contravention of internationally accepted standards for the use of such technology in law enforcement activities;

- AJ. whereas on 6 December 2024, investigative journalists published information on Hungary’s Information Office allegedly targeting investigators at the European Anti-Fraud Office during an investigative mission into the potential misuse of EU funds by ELIOS, a company linked to the Hungarian Prime Minister’s son-in-law in 2015-2017; whereas on 9 October 2025, investigative journalists published information on the Information Office allegedly targeting Commission officials in 2015-2017; whereas the Commission indicated that there is an internal investigation ongoing, and that the alleged incidents undermine the principle of loyal cooperation between Member States and EU institutions;

Freedom of expression, including media pluralism

- AK. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the apparent continued limited access to public media for opposition politicians, the critical situation regarding media freedom and pluralism, due to a heavily centralised and politically controlled media environment, an increasingly shrinking space for independent media and journalism, characterised by systemic disadvantages, obstacles and intimidation, and their limited access to government officials and to information, as well as the dominant presence of the government in digital media spaces, through paid content and social media advertising;
- AL. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that the threats to media pluralism highlighted in previous rule of law reports have remained unaddressed; whereas it further indicated that no measures have been adopted, or are planned, to regulate the channelling of state advertising to media outlets, to guarantee the functional independence of the media authority or to ensure the editorial and financial independence of public service media; whereas it further indicated that journalists continue to face numerous and serious

challenges to their work, journalists and media outlets have been investigated by the Sovereignty Protection Office for allegedly ‘serving foreign interests’, and access to public interest events and press conferences continues to be selectively denied; whereas it further indicated that although the accelerated treatment of court cases related to access to information continues, the scope of access to information remains limited, especially as regards public funding; whereas there has been no progress on increasing transparency and fairness in the distribution of state advertising; whereas the general rules and procedures regulating public procurement govern such expenditure and no specific rules for ensuring transparency and fairness and regulating distribution exist; whereas the state remains, by far, the most important player in the media advertising market channelling significant state resources to pro-government media and increasing its spending, and state advertising accounts for over 30 % of the total advertising market, while the Central European Press and Media Foundation (KESMA), a conglomeration of pro-government media outlets, receives up to 75-80 % of its total revenue from state advertising; whereas pressure on journalists and other media professionals has increased, as they continue to encounter numerous and serious challenges to their work; whereas, while stakeholders point out that physical attacks against journalists are very rare in Hungary, they draw attention to the prevalence of smear campaigns and derogatory statements against journalists; whereas some stakeholders report that access to public interest events and government press conferences continues to be denied on a selective basis and that inquiries from the press often go unanswered; whereas with the investigative activities carried out by the Sovereignty Protection Office into alleged ‘foreign funding’, pressure on independent journalists and media outlets has increased; whereas the 2025 Media Pluralism Monitor continues to consider the safety of journalists to be an area presenting medium risk; whereas the Council of Europe’s Platform to promote the protection of journalism and safety of journalists registered five new alerts relating to, respectively, an investigative outlet accused of engaging in foreign influence and espionage by the Sovereignty Protection Office, two journalists seeking to interview the Prime Minister who were obstructed, detained and charged, alerts relating to the Act on Transparency in the Public Sphere, and a report claiming that intelligence reports had been drawn up on media outlets and civil society organisations (CSOs);

- AM. whereas on 30 September 2025, the Parliamentary Assembly of the Council of Europe adopted Resolution 2617(2025) on the honouring of membership obligations to the Council of Europe by Hungary, where it reiterated its concerns regarding the concentration of media ownership, the lack of media pluralism and the political influence over media content; whereas it called on the Hungarian authorities to strengthen the functional independence of the Media Council, reducing the term of office of the Media Authority’s president and withdrawing some of his/her powers of appointment; whereas it called again on the Hungarian authorities to consider implementing a more open and pluralistic appointment procedure for Media Council members, including by allowing civil society groups to participate in the nomination process; whereas it asked the Hungarian authorities, given the state’s and state-owned companies’ extremely significant role in the media advertising market, through which they channel significant state resources to pro-government media, to ensure that the distribution of such advertising, including on social media, is fair and transparent;
- AN. whereas in its decision of 3-5 December 2024 concerning the pending enhanced supervision of the execution of the ECtHR judgments in *Kenedi group v. Hungary*, the Committee of Ministers of the Council of Europe called on the authorities to adopt

additional targeted general measures to address the recurring reluctance of state authorities to comply with the domestic courts' orders granting access to documents, and to ensure that effective and genuinely coercive enforcement tools are available for the implementation of such orders;

- AO. whereas in its judgment of 30 September 2025 in *Csárdi and Others v. Hungary*, the ECtHR found a violation of the freedom of expression as regards the absence of procedural safeguards, such as the right to be heard, in cases where opposition MPs have been fined for their conduct in the National Assembly;
- AP. whereas on 4 June 2025, the OSCE Representative on Freedom of the Media emphasised the importance of ensuring that both public service broadcasters and media regulatory bodies are independent from political influence, and addressed the issue of independent and fair allocation of state advertising, which should be allocated based on impartial and clear criteria, so as to support media pluralism, including independent media;
- AQ. whereas in the 2025 World Press Freedom Index, Hungary ranked 68th out of 180 countries with a score of 62,82, losing one more place compared to the previous year;

Academic freedom

- AR. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the erosion of academic freedom and increasing control over education and research in Hungary, including a ban on teachers' strikes, the possibility of arbitrary dismissal of teachers, ideological control over curricula, shrinking autonomy of universities to conduct research and marginalisation of certain student groups, including Roma, children with disabilities and LGBTIQ+ students;
- AS. whereas in its Recommendation of 8 July 2025 on economic, social, employment, structural and budgetary policies of Hungary²³, the Council recommended to improve education outcomes and tertiary attainment rate and increase the participation of disadvantaged groups, particularly Roma, in quality mainstream education by further increasing the attractiveness of the teaching profession and the share of pupils obtaining an upper-secondary qualification that gives access to tertiary education;
- AT. whereas on 7 May 2025, the Commission decided to close the infringement case regarding non-implementation of the CJEU judgment in case C-66/18²⁴ concerning higher education;
- AU. whereas on 21 March 2025, at the end of her visit to Hungary, the UN Special Rapporteur on the right to education praised the commitment of Hungarian educators and civil society, while expressing serious concerns about widening inequalities, curriculum rigidity, the marginalisation of Roma students and the erosion of academic freedom; whereas she warned of a 'hollowing out' of the public education system, with growing inequalities between under-resourced state schools and better-funded church-

²³ OJ C, C/2025/3991, 20.8.2025, ELI: <http://data.europa.eu/eli/C/2025/3991/oj>.

²⁴ Judgment of 6 October 2020, *European Commission v Hungary*, C-66/18, ECLI:EU:C:2020:792.

run institutions; whereas she called for a review of curriculums and assessment, greater protection for students with special needs, clear and effective policies to tackle segregation, equitable funding for all types of school, and greater involvement of students, teachers and parents in decision-making;

Freedom of religion

AV. whereas in its resolution of 11 December 2024 concerning the supervision of the execution of the ECtHR judgment in *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, the Committee of Ministers of the Council of Europe decided to close the examination thereof;

AW. whereas on 28 February 2025, in the report on her visit to Hungary, the UN Special Rapporteur on freedom of religion or belief recommended revisiting the 2011 Church Law and its 2018 amendments to ensure that all religion and belief communities, institutions and actors can operate freely, without discrimination, with particular attention to legal and financial restrictions on their activities;

Freedom of association

AX. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the growing financial, legal, safety and political obstacles for civil society, especially those CSOs that are advocacy-oriented, the creation of GONGOs (government-controlled NGOs), which are featured in the state-controlled and government-friendly media as experts, further polarising the NGO landscape, and the use of the Sovereignty Protection Office as a key instrument to defame as ‘foreign agents’ independent media outlets, individual investigative journalists and CSOs receiving international or EU funding, and their staff; whereas it expressed further concerns about a foreign agent law being drafted, further limiting funding and expanding surveillance;

AY. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that a deteriorating environment for CSOs and legal uncertainty are further obstructing civic space; whereas a new law, effective as of 1 January 2027, will transfer the register of CSOs from the courts to a central administrative authority, and stakeholders reported that government attacks against independent CSOs have persisted; whereas the Sovereignty Protection Office, in some cases, labelled activities under the EU’s Citizens, Equality, Rights and Values programme as ‘carrying a serious sovereignty risk’; whereas the draft law on transparency in public life, tabled on 13 May 2025, increases the powers of the Sovereignty Protection Office, introducing significant consequences for the activities of CSOs, media outlets and other entities within its scope, and considerably restricting their access to funding; whereas recent amendments to legislation and the Constitution, as well as their application in practice, resulted in legal uncertainty for the organisers and participants of public assemblies aimed at promoting equality and diversity; whereas stakeholders noted that the distribution of public funding continues to be uneven and non-transparent, privileging government-aligned organisations against CSOs critical of government policies, which are not able to secure public funding in Hungary;

- AZ. whereas on 30 September 2025, the Parliamentary Assembly of the Council of Europe adopted Resolution 2617(2025) on the honouring of membership obligations to the Council of Europe by Hungary, in which it expressed deep concern by the succession of measures aimed at silencing civil society organisations and the independent media; whereas it recalled that, as set out in the Reykjavik Principles for Democracy, civil society is a prerequisite for a functioning democracy as well as a safe and enabling environment in which civil society and human rights defenders can operate free from hindrance, insecurity and violence; whereas, to ensure such an environment, it called on Hungary to abolish the Office for the Protection of Sovereignty and to amend the bill on the Transparency of Public Life in accordance with the Venice Commission's recommendations;
- BA. whereas on 19 May 2025, the co-rapporteurs of the Parliamentary Assembly of the Council of Europe for the monitoring of Hungary, indicated that the bill on the Transparency of Public Life would make it impossible for civil society organisations and independent media outlets to operate, let alone exist; it constitutes an unjustified and disproportionate attack on the freedom of association and expression of Hungarian citizens; adopting this bill would violate Hungary's international obligations with regard to human rights and fundamental freedoms; whereas on 27 May 2025, in a letter addressed to the Speaker of the National Assembly of Hungary, the Commissioner for Human Rights of the Council of Europe asked parliamentarians to refrain from adopting the bill unless it is amended to comply with international human rights law, notably freedom of expression and association, the right to respect for private life, the right to a fair trial and the prohibition of discrimination; whereas on 4 June 2025, the OSCE Representative on Freedom of the Media indicated that some provisions of the proposed bill risk undermining OSCE commitments; whereas on 5 June 2025, the Expert Council on NGO Law of the Conference of International NGOs of the Council of Europe concluded that the enactment of the draft would cause grave and unjustified damage to civil society in Hungary, would be inconsistent with a wide range of commitments that this member state of the Council of Europe and of the European Union has undertaken and would thus be entirely inappropriate;
- BB. whereas on 3 October 2024, the Commission decided to refer Hungary to the CJEU, deeming that the Protection of National Sovereignty Act, which established the Sovereignty Protection Office, makes it possible to target activities that are legitimate expressions of the rights conferred by the EU treaties on EU citizens and organisations and to restrict such activities, and that it subjects those citizens and organisations to the exercise of state powers that infringe the rules on data protection and are incompatible with a number of fundamental rights, which are the pillars of a pluralistic and democratic society (Case C-829/24, *Commission v Hungary*);
- BC. whereas on 6 September 2024, the Commissioner for Human Rights of the Council of Europe published his written observations in the case of *Hungarian Helsinki Committee v. Hungary*, which is pending before the European Court of Human Rights, in which he indicates that the introduction of Article 353/A of the Criminal Code constitutes a component of broad restrictions to freedom of expression and freedom of association of civil society in Hungary, that the criminalisation of 'facilitating or supporting illegal migration' introduced through Article 353/A was neither necessary nor foreseeable within the meaning of Article 10(2) and Article 11(2) of the European Convention on Human Rights, and that several aspects call into question the declared purpose behind the introduction of Article 353/A;

The right to equal treatment, including LGBTIQ+ rights

- BD. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the 15th constitutional amendment, including articles affecting LGBTIQ+ rights, and new legislative amendments restricting the freedoms of LGBTIQ+ persons, including the removal of gender identity as grounds for discrimination and a ban on pride marches; whereas it expressed further concerns about a climate of hatred against the LGBTIQ+ community fuelled by the government's rhetoric, instigating fear and isolation among LGBTIQ+ persons, including students and teachers;
- BE. whereas on 21 March 2025, the Office of the UN High Commissioner for Human Rights called on the Hungarian authorities to repeal legislation that discriminates against LGBTIQ+ individuals, and urged them to combat the high levels of intolerance, discrimination, bullying and harassment related to sexual orientation and gender identity, faced by children in particular, in line with Hungary's international human rights obligations; whereas on 24 March 2025, in a letter addressed to the Speaker of the National Assembly of Hungary, the Commissioner for Human Rights of the Council of Europe asked members of parliament to reconsider the amendment to the Law on the Right to Assembly, which effectively bans events such as Pride marches; whereas the Commissioner for Human Rights urged them to refrain from adopting pending constitutional and other amendments which raise concerns about their compatibility with human rights standards, such as a ban on legal gender recognition on a constitutional footing and removing gender identity from the explicit list of protected characteristics under the Equal Treatment Act; whereas on 25 June 2025, the Commissioner expressed deep disappointment at the decision to prohibit the Budapest Pride march; whereas on 9 April 2025, in their communication to the Hungarian authorities, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Rapporteur on the situation of human rights defenders, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Working Group on discrimination against women and girls indicated that the proposed amendments to the Fundamental Law and related legislation would establish a basis for unlawful restrictions on the human rights to freedom of expression and peaceful assembly; whereas on 27 June 2025, the Standing Rapporteur on Human Rights of the Congress of Local and Regional Authorities of the Council of Europe indicated that the new law infringes on the right of LGBTIQ+ persons to their private and family life without discrimination, as well as on the freedoms of expression and of assembly, and also impacts the decision-making autonomy of local authorities when authorising public demonstrations;
- BF. whereas on 27 May 2025, in their statement on the infringement of the fundamental rights of LGBTIQ+ persons in Hungary, 20 Member States (Austria, Belgium, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden) expressed deep concern about recent legislative and constitutional amendments infringing on the fundamental rights of LGBTIQ+ persons which were adopted by the Hungarian Parliament on 18 March and 14 April 2025 following other anti-LGBTIQ+ legislation already introduced in previous years; whereas Member States stressed that respecting and protecting the human rights and fundamental freedoms of all people, including LGBTIQ+ persons, is inherent to being part of the European family, and

called on Hungary to revise these measures, while urging the Commission to make full use of the rule of law toolbox should these measures not be withdrawn;

- BG. whereas on 25 June 2025, the Commission President called on the Hungarian authorities to allow the Budapest Pride march to go ahead without fear of any criminal or administrative sanctions being taken against the organisers or participants;
- BH. whereas in its judgment of 13 March 2025 in Case C-247/23 [Deldits]²⁵, the CJEU found that the General Data Protection Regulation²⁶ must be interpreted as requiring a national authority responsible for keeping a public register to rectify the personal data relating to the gender identity of a natural person where those data are inaccurate, and that person may be required to provide relevant and sufficient evidence that may reasonably be required of that person in order to establish that those data are inaccurate, but a Member State may not, under any circumstances, by way of an administrative practice, make the exercise of that right conditional upon the production of evidence of gender reassignment surgery;
- BI. whereas in her opinion of 5 June 2025 in Case C-769/22 (*Commission v Hungary*), Advocate General Ćapeta concluded that Article 2 TEU can serve as a separate legal basis for infringement proceedings in cases where the negation of a value is the root cause of other breaches of EU law, and proposed that the CJEU declare that, by adopting Law LXXIX of 2021 adopting stricter measures against persons convicted of paedophilia and amending certain laws for the protection of children, Hungary has infringed Directive 2000/31/EC on certain legal aspects of information society services²⁷, in particular electronic commerce, in the internal market, Directive 2006/123/EC on services in the internal market²⁸, Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services²⁹, the General Data Protection Regulation, Article 56 TFEU, Articles 1, 7, 8(2), 11 and 21 of the Charter and Article 2 TEU;
- BJ. whereas in its decision of 15-17 September 2025 concerning the pending enhanced supervision of the execution of the ECtHR judgments in *Rana group v. Hungary*, the

²⁵ Judgment of 13 March 2025, *Deldits*, C-247/23, ECLI:EU:C:2025:172.

²⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

²⁷ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1, ELI: <http://data.europa.eu/eli/dir/2000/31/oj>).

²⁸ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36, ELI: <http://data.europa.eu/eli/dir/2006/123/oj>).

²⁹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1, ELI: <http://data.europa.eu/eli/dir/2010/13/oj>).

Committee of Ministers of the Council of Europe expressed deep concern about the authorities' persistent failure to take any measures in response to the violations, recalled with deep regret that, while for many years recognition of gender reassignment was permitted on the basis of an informal practice, the May 2020 legislative amendments have made it impossible for transgender persons with Hungarian birth certificates to obtain legal gender recognition in Hungary and that these developments considerably aggravate the uncertainty for the persons concerned and could lead to similar violations, and deplored the fact that the 2025 amendment to the Fundamental Law enshrined this legal ban also at the constitutional level; whereas it strongly underlined the pressing need for legislative changes to lift the current legal ban on changing sex/gender markers in the Hungarian birth register and to eliminate any constitutional obstacles to legal gender recognition, as well as to introduce a clear legal framework regulating the conditions and procedures for legal gender recognition; whereas it urged the authorities to adopt, without further delay, a clear legal framework to enable transgender persons, both lawfully settled non-Hungarian and Hungarian nationals, to access quick, transparent and accessible procedures for changing their name and sex/gender marker in their official identification documents issued by the Hungarian authorities;

- BK. whereas in its conclusions adopted on 3 July 2024, the European Commission against Racism and Intolerance (ECRI) of the Council of Europe reiterated its view that the series of restrictive legislative measures taken during the period of 'state of danger', as emphasised in the ECRI report, have a strong bearing on the life of LGBTIQ+ persons in Hungary and should be thoroughly reviewed by independent experts in the light of Council of Europe and other international standards in the fields of equality and non-discrimination;

The rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities

- BL. whereas on 7 May 2025, the Commission decided to close the infringement case regarding the incorrect transposition of the Council Framework Decision on combating racism and xenophobia³⁰;
- BM. whereas in its conclusions adopted on 3 July 2024, the ECRI welcomed the steps taken by the Hungarian authorities to enhance the capacity of law enforcement officials and other criminal justice actors in dealing with hate crime cases, including hate speech of a criminal nature, but indicated that police training on hate crime is not included in the annual training programmes for all counties and may vary considerably in scope and duration, and was unable to ascertain the extent to which the actual police training provided addresses specifically racist and LGBTI-phobic hate crimes, including hate speech of a criminal nature;
- BN. whereas in its decision of 4-6 March 2025 concerning the pending enhanced supervision of the execution of the ECtHR judgment in *Bakirdzi and E.C. v. Hungary* regarding the national minority voting system, the Committee of Ministers of the Council of Europe noted with regret that, so far, no measures have been taken and that time is running out

³⁰ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55, ELI: http://data.europa.eu/eli/dec_framw/2008/913/oj).

for the authorities to enact the requisite legal reform and for it to come into effect at least one year before the next parliamentary elections;

- BO. whereas on 29 September 2025, the European Roma Rights Centre expressed deep concern at the discriminatory impacts of the Law on the Protection of Local Identity (Act XLVIII of 2025, which entered into force on 1 July 2025); whereas in accordance with Article 2(3) thereof, as a local matter of public interest, the municipal community has the right to determine who may move into the municipality and under what conditions; whereas several municipalities adopted local identity decrees with different requirements, such as the absence of criminal record, the absence of public debt, employment, level of education, and knowledge of the Hungarian language;

The fundamental rights of migrants, asylum seekers and refugees

- BP. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about the interception and removal of individuals found in an irregular situation, effectively denying most asylum seekers access to Hungarian territory and to the asylum procedure; whereas it expressed further concerns about the continuation of a declared state of emergency due to mass immigration, which entails a range of restrictions on the civil and procedural rights of migrants, including Ukrainian refugees facing barriers in accessing employment, healthcare and accommodation due to legal gaps, procedural delays or insufficient documentation, and the criminalisation of various forms of assistance for asylum seekers and migrants under the so-called ‘Stop Soros’ legislation;
- BQ. whereas in its judgment of 13 June 2024 in Case C-123/22 *Commission v Hungary*³¹, the CJEU declared that, by failing to take all the measures necessary to comply with the judgment of 17 December 2020 in Case C-808/18, Hungary has failed to fulfil its obligations under Article 260(1) TFEU, and ordered Hungary to pay the Commission a lump sum in the amount of EUR 200 000 000 and a penalty payment of EUR 1 000 000 per day from the date of delivery of the judgment until the date of compliance; whereas the Hungarian Government refused to pay these amounts voluntarily;
- BR. whereas on 7 May 2025, the Commission decided to refer Hungary to the CJEU for failing to fulfil its obligations under Council Directive 2002/90/EC³² to impose effective, proportionate and dissuasive sanctions for the offence of facilitation of unauthorised entry, transit and residence into the EU (migrant smuggling) and under Council Framework Decision 2002/946/JHA³³ which sets rules for criminal penalties regarding these offences; whereas the Commission also decided to close the infringement case following the CJEU judgment of 16 November 2021 in Case C-821/19, *Commission v Hungary*;

³¹ Judgment of 13 June 2024, *Commission v Hungary* (Accueil des demandeurs de protection internationale II), C-123/22, ECLI:EU:C:2024:493.

³² Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17, ELI: <http://data.europa.eu/eli/dir/2002/90/oj>).

³³ 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1, ELI: http://data.europa.eu/eli/dec_framw/2002/946/oj).

- BS. whereas on 24 April 2024, the Commission decided to send a letter of formal notice for failing to comply with the ruling of the CJEU in Case C-823/21, *Commission v Hungary*, in which the CJEU declared that by making an application for international protection subject to a declaration of intent at a Hungarian embassy located in a third country, Hungary was failing to fulfil its obligations under EU asylum law;
- BT. whereas in its decision of 15-17 September 2025 concerning the pending enhanced supervision of the execution of the ECtHR judgments in the cases of *Ilias and Ahmed group*, *Shahzad group*, and *M.D. and Others v. Hungary*, the Committee of Ministers of the Council of Europe urged the authorities to ensure that, before the removal of any asylum seeker from Hungary to Serbia, a thorough and up-to-date assessment is carried out in every case of whether they would have access to an adequate asylum procedure in Serbia and whether the principle of non-refoulement is respected; whereas it reiterated its most profound concern that, despite the authorities' repeated indication that the reform of the asylum system was underway, no information on concrete measures has been communicated in this respect; whereas it strongly exhorted, once again, the authorities to intensify their efforts at reforming the asylum system in order to afford effective access to means of legal entry, in particular border procedures in line with Hungary's international obligations, and urged the authorities to establish a timeline for the legislative process, to present a draft legislative proposal and to keep the Committee informed about all relevant developments in the legislative process; whereas it reiterated again its gravest concern that despite the adoption of the Interim Resolution and several judgments of the ECtHR finding similar violations, collective expulsions reportedly continue; whereas it strongly exhorted, once again, the authorities to terminate, without further delay, the practice of removing asylum seekers to Serbia pursuant to section 5 of the State Borders Act, without their identification or an examination of their individual situation; whereas it urged the authorities to provide more information to demonstrate that the remedy they rely on could provide persons alleging that their expulsion is 'collective' in nature with an effective possibility of challenging the expulsion decision by having a sufficiently thorough examination of their complaints about expulsion carried out by an independent and impartial domestic forum, in line with ECtHR case-law; whereas it called on the authorities to introduce sufficient procedural safeguards ensuring that asylum seekers can only be removed on the basis of a voluntary declaration that can be considered unequivocal in the sense of ECtHR case-law;
- BU. whereas on 3 December 2024, in its report on the 2023 periodic visit to Hungary, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment indicated that it is regrettable that there is still no legal procedure capable of offering effective protection against forced removal and/or refoulement, including chain refoulement, and no concrete steps were taken following the 2018 visit to ensure that all police officers are given a clear message, emanating from the highest political level, that any form of ill treatment of detained persons is unacceptable;

Economic and social rights

- BV. whereas on 23 June 2025, in its report on its mission to Budapest, the Committee on Civil Liberties, Justice and Home Affairs expressed concerns about a worsening situation for trade unions, professional bodies and workers' rights, including the use of facial recognition at demonstrations, defunding and a collapse in institutional protection; whereas it expressed further concerns about the politicisation of the medical

ethics body, the exclusion of unions from the workplace, the denial of consultation rights and the manipulation of social dialogue, the disincentivisation of women to work and discrimination against mothers in the labour market;

- BW. whereas on 8 July 2025, the Commission indicated in the country chapter on Hungary in its 2025 Rule of Law Report that the government continues to use its emergency powers extensively, undermining legal certainty and affecting the operation of businesses in the single market; whereas it further indicated that foreign companies, including from other EU Member States, operating in strategic sectors are facing intensified regulatory pressure from state action, and that the possibility of the government interfering in the application of merger control rules continues to create legal uncertainty;
- BX. whereas in its Recommendation of 8 July 2025 on economic, social, employment, structural and budgetary policies of Hungary, the Council recommended improving the regulatory framework and enhance competition in product markets and services, in particular in retail, by avoiding arbitrary administrative interventions, tailor-made legislation providing undue advantage or disadvantage to specific companies and market-distorting state-supported transactions, and by reducing the use of emergency measures to what is strictly necessary, in line with the principles of the single market and the rule of law; whereas it also recommended increasing access to effective active labour market measures, in particular by providing upskilling and reskilling opportunities to the most disadvantaged groups, and ensuring effective social dialogue; whereas it recommended improving the adequacy of social assistance and unemployment benefits, and ensuring access to essential services for all; whereas it recommended targeting support measures in the housing sector to low-income households and increasing housing supply, including for social housing;
- BY. whereas in its staff working document of 4 June 2025 entitled ‘2025 Country Report – Hungary’ (SWD(2025)0217), the Commission indicated that poverty had increased significantly among children, and despite a focus on family-friendly policies, more than one in five children and 28 % of families with three or more children were at risk of poverty or social exclusion; whereas it noted that Hungary has the fourth-lowest share of first-generation graduates among Organisation for Economic Co-operation and Development (OECD) countries, according to data recorded between 2011 and 2018, and that early school leaving remains high at 10,3 %, particularly in villages (16,9 %), in the least developed regions, for persons with disabilities (41,2 %, one of the highest rates in the EU) and among Roma (58,7 % compared to 9,3 % for non-Roma in 2023); whereas it indicated that Hungary has only 4,4 practising nurses per 1 000 inhabitants compared to the EU average of 7,6;
- BZ. whereas on 18 June 2025, the Commission decided to open infringement procedures by sending two letters of formal notice for imposing price margin restrictions on non-Hungarian companies in food retail and drugstore retail;
- CA. whereas on 17 June 2025 the International Labour Organization Committee on the Application of Standards noted with concern the restrictions in law and practice regarding the right of workers’ and employers’ organisations to organise their administration and activities, as well as to further and defend the interests of their members in line with the Freedom of Association and Protection of the Right to Organise Convention; whereas in the Shadow Report on the Hungarian regulation of collective bargaining, the researchers indicated that the number of collective agreements

has been steadily decreasing, and that today only about 18 % of employees are covered by collective agreements, that collective bargaining exists only at workplace level, and that the content of agreements is rather poor, with only half of the collective agreements covering wages;

- CB. whereas according to the OECD 2024 Economic Survey, social transfers keep income inequalities and poverty low, but those in the upper income quintile receive a larger share of social transfers than those in the lower income quintile; whereas inequalities of opportunity remain high, as women face large employment and pay gaps compared to men and intergenerational income mobility is limited; whereas educational outcomes measured by the OECD Programme for International Student Assessment survey are not significantly different from the OECD average, but they are more dispersed and tend to reproduce inequalities from one generation to the next;
- CC. whereas on 29 September 2025, the Hungarian Central Statistical Office indicated that it had revised its data on poverty; whereas, according to researchers, the data showed a significant increase in the proportion of the population at risk of poverty or social exclusion, with 150 000 persons living in income poverty added to the official number; whereas, according to the data of the Hungarian Central Statistical Office, Hungary's fertility rate has fallen despite extensive and costly demographic programmes, raising concerns about their effectiveness and inclusiveness; whereas life expectancy at birth in Hungary, though rebounding above its pre-COVID-19 level, remains among the lowest in the Union (76.66 years); whereas in its report of 18 November 2024 entitled 'Health at a Glance: Europe', the OECD indicated that Hungary continues to devote one of the lowest levels of GDP to healthcare among OECD members;
1. Reiterates that its concerns relate to the following issues in Hungary:
- (a) the functioning of the constitutional and electoral system,
 - (b) the independence of the judiciary and of other institutions and the rights of judges,
 - (c) corruption and conflicts of interest,
 - (d) privacy and data protection,
 - (e) freedom of expression, including media pluralism,
 - (f) academic freedom,
 - (g) freedom of religion,
 - (h) freedom of association,
 - (i) the right to equal treatment, including LGBTIQ+ rights,
 - (j) the rights of persons belonging to minorities, including Roma and Jewish communities, and protection against hateful statements against such minorities,
 - (k) the fundamental rights of migrants, asylum seekers and refugees,
 - (l) economic and social rights;

2. Believes that, taken together, the facts and trends, as illustrated by its resolutions, represent a systemic threat to all the values of Article 2 TEU and constitute a clear risk of a serious breach thereof; is appalled by and condemns the deliberate and systematic efforts of the Hungarian Government to undermine the founding values of the Union enshrined in Article 2 TEU, which constitute not an optional choice, but a fundamental commitment freely undertaken by every Member State upon accession to the Union; highlights the fact that these trends have substantially worsened since the triggering of Article 7(1) TEU; stresses that the Hungarian Government bears responsibility for the restoration of compliance with EU law and the values enshrined in Article 2 TEU and expresses deep regret that the lack of decisive action by the Commission and the Council has contributed to a breakdown in democracy, the rule of law and fundamental rights in Hungary, turning the country into a hybrid regime of electoral autocracy, according to an increasing number of the relevant authoritative indices;
3. Deplores the inability of the Council to make meaningful progress in the ongoing Article 7(1) TEU procedure, as evidenced by the nine hearings held, which, despite repeated and growing concerns, have resulted in neither concrete recommendations nor any further steps forward; underlines that such hearings cannot be treated as a mere formal exercise, but must lead to tangible outcomes, as otherwise the credibility and effectiveness of the procedure are seriously undermined; urges the Council to ensure that hearings take place at a minimum of once per presidency during ongoing Article 7 TEU procedures and also address new developments affecting the rule of law, democracy and fundamental rights; stresses, however, that this minimum frequency must not be construed as a ceiling, nor should such hearings be reduced to a mere box-ticking exercise allowing a presidency to discharge its responsibilities by holding a single formal meeting without pursuing meaningful follow-up; calls on the Council to publish comprehensive minutes after each hearing; emphasises that there is no need for unanimity in the Council either to identify a clear risk of a serious breach of Union values under Article 7(1), or to address concrete recommendations to the Member States in question and provide deadlines for the implementation of those recommendations; calls on the Council to issue recommendations to the Hungarian authorities as soon as possible in order to remedy the issues noted in Parliament's resolutions, asking the Hungarian authorities to implement all the judgments and recommendations given; considers that a joint declaration by the Member States following each hearing would be a proper interim step until there is a required majority to address recommendations or identify the risk; insists that in all proceedings related to Article 7 TEU, Parliament should be able to present its reasoned proposal to the Council, to attend Article 7 TEU hearings and to be promptly and fully informed at every stage of the procedure through regular debriefings and formalised exchanges between the institutions, with full access to all relevant documents, including minutes and exchanges of letters, with due regard to confidentiality;
4. Believes that any further delay to the Council's action would amount to a breach of the rule of law principle by the Council itself; calls on the Commission and the Member States to initiate the procedure under Article 7(2) TEU and on the European Council to determine whether Hungary has committed serious and persistent breaches of EU values under Article 7(2) TEU; underlines that in the event of such a determination, the Council may consider the adoption of proportionate and gradual measures in order to ensure compliance with EU law and values, which may, where appropriate, involve the suspension of the rights deriving from the application of the treaties, including the voting rights of the representative of the government in the Council;

5. Calls on the Council and the Commission to devote more attention to tackling the systemic and deliberate dismantling of the rule of law, as well as to the interplay between the various breaches of values identified in its resolutions; stresses that the EU should defend all of the values enshrined in Article 2 TEU with equal determination, and that failure to do so undermines democratic institutions and ultimately affects the human rights and lives of everyone in countries where those values are being violated; underlines, furthermore, that attacks on the rule of law and citizens' rights in one Member State inevitably weaken the rule of law across the Union as a whole, given that membership is based on mutual trust and shared obligations; recalls that the importance of the primacy of EU law constitutes a cornerstone of the Union's legal order and a binding obligation for all Member States and condemns any attempt at undermining it, including by not abiding by the case-law of the CJEU or questioning it by using the Uniformity Complaint Panel of the *Kúria*; underlines that Hungary has a legal obligation to comply with all judgments of the CJEU and ECtHR without exception, and that the failure to do so is a grave breach of the rule of law;
6. Condemns the practice whereby the Uniformity Complaint Panel of the *Kúria* reviews and interprets CJEU judgments before they are applied by the referring court, thereby delaying or conditioning the direct effect of Union law; stresses that such a procedure is contrary to the Simmenthal doctrine and to Article 267 TFEU, which guarantee the autonomy of every national judge to seek guidance from the CJEU and to apply its rulings without interference; recalls that filtering the binding effect of CJEU judgments through a centralised domestic body undermines the principle of sincere cooperation under Article 4(3) TEU and erodes the effectiveness and uniform application of Union law; emphasises that this practice gravely undermines judicial independence and creates a chilling effect on judges, and that it must therefore be regarded as a systemic threat to the values enshrined in Article 2 TEU;
7. Reiterates its call on the Commission to make full use of the relevant instruments available to address the clear risk of a serious breach by Hungary of the values on which the EU is founded, in particular infringement procedures based on Article 2 TEU, expedited infringement procedures, applications for interim measures before the CJEU and actions regarding the non-implementation of the CJEU's judgments; recalls, in this regard, the recent opinion of Advocate General Ćapeta in Case C-769/22 confirming that Article 2 TEU can serve as a separate legal basis for infringement proceedings in cases where the negation of a value is the root cause of other breaches of EU law, and stresses that the forthcoming judgment in this case may provide a new opportunity which the Commission must seize in order to launch infringement procedures in a more systematic and robust manner;
8. Recalls that the functioning of the Union is founded on representative democracy, and that Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national parliaments, or to their citizens; underlines that democracy is dependent on free and fair elections, freedom of expression and peaceful assembly, free and independent media and safeguards for civil society; calls on the Commission and Member States, in cooperation with the Organization for Security and Co-operation in Europe, to ensure that the elections in Hungary in 2026 are free and fair, are properly monitored and fully comply with the principle of democracy, bearing in mind that Hungary is the only Member State subject both to the Article 7(1) TEU procedure and the full monitoring procedure of the Parliamentary Assembly of the

Council of Europe; calls on the Commission to pay particular attention, in its monitoring and reporting activities, to the link between corruption and electoral integrity, including practices whereby economic dependency or clientelist networks distort free choice; stresses the need to assess and address such risks in Hungary, and to develop EU-level reflection on how to strengthen safeguards against similar patterns across Member States;

9. Recalls the importance of the Rule of Law Conditionality Regulation and welcomes Commission Decision C(2023)8999 of 13 December 2023³⁴ confirming that the risk to the Union budget has remained unchanged since December 2022, thus prolonging the measures adopted under the regulation in relation to the risk of corruption; calls on the Commission to take immediate action under the regulation as regards other breaches of the rule of law, such as those related to the judiciary, and bearing in mind the deteriorating anti-corruption situation, such as the persistent obstacles facing the Integrity Authority, hindering its effective and independent operation, including limitations on its mandate, resources and ability to follow up on cases, and to suggest, in the light of the further deterioration of the situation, additional proportionate measures affecting parts or, where duly justified, the entirety of budgetary commitments and payments to Hungary, calibrated to the nature, gravity and persistence of the breaches identified, while ensuring safeguards to protect final beneficiaries;
10. Stresses that the recently published 2025 Spring Eurobarometer survey shows overwhelming public support for linking the provision of EU funds to compliance with the rule of law and democratic principles, with 85 % of EU citizens and 82 % of Hungarian citizens in favour of this approach; underlines that, as the direct representative of EU citizens, Parliament should take this clear demand into account and stand firmly in defence of conditionalities as an essential tool to protect the Union budget and safeguard the values enshrined in Article 2 TEU;
11. Reiterates its serious concerns about the Commission Decision C(2023)9014³⁵, considering that the horizontal enabling condition of the Charter had been fulfilled in relation to judicial independence; stresses, moreover, the paradox of releasing cohesion policy funds on the basis of judicial independence precisely where judicial independence remains in question; recalls its application with a view to reviewing the legality of Commission Decision C(2023)9014 before the CJEU (Case C-225/24); calls on the Commission to freeze the funds until all of the relevant legislation has been fully implemented, the adopted measures have proven their effectiveness in practice and the Hungarian authorities have implemented all of the relevant judgments of the CJEU and ECtHR; notes with deep concern that, according to the report of 19 September 2024 by the European Implementation Network and Democracy Reporting International entitled ‘Justice Delayed and Justice Denied: Non-Implementation of European Courts’

³⁴ Commission Decision of 13 December 2023 on the reassessment, on the Commission’s initiative, of the fulfilment of the conditions under Article 4 of Regulation (EU, Euratom) 2020/2092 following Council Implementing Decision (EU) 2022/2506 of 15 December 2022 regarding Hungary (C(2023)8999).

³⁵ Commission Implementing Decision of 13 December 2023 on the approval and signature of the Commission assessment, in accordance with Article 15(4) of Regulation (EU) 2021/1060, of the fulfilment of the horizontal enabling condition ‘3. Effective application and implementation of the Charter of Fundamental Rights’ with regard to the deficiencies in judicial independence in Hungary’ (C(2023)9014).

Judgments and the Rule of Law', Hungary remains the worst performer among Council of Europe member states, with 76 % of leading ECtHR judgments delivered in the last 10 years still awaiting implementation, which demonstrates a systemic failure to comply with the rule of law;

12. Insists that the measures required for the release of EU funding, as defined by the relevant decisions taken under the Common Provisions Regulation, the RRF Regulation and the Rule of Law Conditionality Regulation, must be assessed in a coherent manner as an integral package and that no payments should be made while deficiencies persist in one or more areas, even if progress is made in others; notes that the Commission should be prepared to take the necessary steps swiftly where the authorities have adopted and properly implemented remedial measures fully and in an irreversible manner; calls on the Commission to ensure that such assessments always remain strictly impartial and free from politicisation, political bargaining or favouritism, as such practices would otherwise undermine both the effectiveness and the legitimacy of the instruments concerned; calls for enhanced cooperation between the Commission, Parliament and the European Court of Auditors, with a view to ensuring the efficient, transparent and equitable use of EU funds, especially in Member States where there are serious concerns regarding corruption, the misuse of public funds or non-transparent public procurement practices;
13. Recalls that the final beneficiaries of EU funding which are not government entities should not suffer negative consequences as a result of problems caused by the national authorities in cases where budgetary measures are taken; reiterates its call on the Commission to ensure that the final recipients or beneficiaries of EU funds are not deprived of these funds, as set out in the Rule of Law Conditionality Regulation; calls on the Commission to find ways to distribute EU funds via local governments and NGOs if the government concerned does not cooperate regarding the deficiencies; indicates that a possible solution is to make available the appropriations corresponding to decommitments under conditionality regimes for use under other Union instruments or programmes implemented under direct or indirect management, in particular those contributing to supporting European democracy, civil society, Union values or the fight against corruption; calls on the Commission to support independent civil society in Hungary, which safeguards the values enshrined in Article 2 TEU, in particular by using the Citizens, Equality, Rights and Values programme; insists that the Union continue to provide direct and carefully targeted financial support to civil society organisations and initiatives promoting fundamental rights, democracy and pluralism, including organisers of peaceful assemblies such as Pride marches, particularly where national authorities obstruct or criminalise such activities;
14. Condemns the possibility to amend a programme or transfer resources subject to measures adopted under the Rule of Law Conditionality Regulation or subject to a negative assessment on the basis of the application of enabling conditions under the Common Provisions Regulation; expresses concern that this loophole has not been properly addressed in the mid-term review of cohesion policy; calls on the Commission to ensure that its statement regarding the adoption of the regulation on mid-term review serves as a guiding framework for any future decisions on the reallocation of funds, so as to reinforce legal certainty, safeguard cohesion objectives and prevent circumvention of conditionality; calls on the Commission and Parliament to remain vigilant regarding the reprogramming of funds previously frozen under the Rule of Law Conditionality Regulation and the Common Provisions Regulation;

15. Strongly regrets that the amendment and transfer mechanism has been used by the Hungarian authorities in their attempt to circumvent compliance obligations and restore access to EU funds without verifiable reforms; notes with concern the approval by the Commission and the reported possible links with securing consent for the adoption of additional restrictive measures against Russia; acknowledges, nevertheless, that according to the Commission, the reallocated funds would not be disbursed until the fulfilment of the remedial measures; indicates, however, that the amount of blocked funds has decreased in real terms due to implementation of de minimis reallocation which did not require the Commission's approval and due to pre-financing rules; expresses concerns about further possible reallocations, as well as allocations of new funding instruments without appropriate safeguards;
16. Recalls that transactional use of Union budgetary instruments undermines the coherence of the Union's legal order, weakens the credibility of Article 7 TEU proceedings, and rewards a Member State that continues to engage in systemic violations of the values enshrined in Article 2 TEU; stresses that releasing funds without verifiable and durable compliance with rule of law requirements creates a precedent of political bargaining over fundamental values, thereby eroding the Union's conditionality framework and its capacity to act consistently in defence of democracy, the rule of law and fundamental rights; insists that the conditionality mechanisms must be enforced robustly and that no funds must be disbursed prematurely or in exchange for political compromises;
17. Welcomes the suggestions for the Charter and the rule of law horizontal conditions in the Commission's proposal for a regulation establishing the European fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034³⁶; believes that such an approach to conditionality may resolve the identified issues concerning the possibility to affect the suspended amounts and the protection of final recipients or beneficiaries, as the proposal provides for the funds to be made available again for use under direct or indirect management, in particular the instruments and programmes that contribute to supporting Europe's democracy, civil society, Union values or the fight against corruption; requests that funds suspended or frozen due to breaches of the values enshrined in Article 2 TEU must be considered forfeited by the Member State concerned and must not be reallocated to that state, but recommends that the funds made available again should at least partly be redirected to non-state actors within the Member State where the violations occurred; believes, however, that the horizontal conditions should cover all values enshrined in Article 2 TEU, and that the decision-making procedure should be identical, culminating in the Commission's decisions;
18. Notes with concern that the Hungarian authorities have repeatedly exercised their veto power in the Council on strategically important and sensitive security-related decisions such as essential aid to Ukraine and sanctions against Russia; regrets that the veto has been used as leverage to extract concessions on the rule of law, thereby undermining the Union's unity in defence of its fundamental interests, and avoiding consequences for the lack of respect for EU values; stresses that such practices run counter to the principle of

³⁶ Proposal of 16 July 2025 for a regulation of the European Parliament and of the Council establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509 (COM(2025)0565)).

solidarity and sincere cooperation, and also weaken the Union's strategic credibility as a global actor; expresses concerns about the Hungarian Government's friendly and supportive stance towards Russia in spite of the war of aggression, including deepening its energy dependence and pursuing unilateral actions such as visits to Moscow;

19. Takes note of the Commission's investigation of the allegations of espionage by the Hungarian Government within the EU institutions; expects the Commission to report on the outcome of this investigation as soon as possible; believes that the investigation should clarify whether other EU institutions have been targeted, what information could have been obtained by the Hungarian authorities and forwarded to other countries, whether Commission services had properly followed up on reports from their staff, in particular as regards information sharing with other EU institutions, and whether and when the espionage operations were fully terminated; underlines that the investigation should address the role of current Commissioner Várhelyi, former head of the Permanent Representation of Hungary, and should lead to tangible consequences for those involved; is prepared to take additional steps in order to ensure a proper investigation of all relevant aspects;
20. Condemns the systematic weakening of the NJC, including the repeated bypassing of its mandatory consultation in judicial reforms and the resulting resignations of its members in protest; stresses that the erosion of the NJC's role as the self-governing body of the judiciary undermines judicial independence and compliance with Article 19(1) TEU; calls on the Hungarian authorities to fully restore the NJC's constitutional functions and to ensure genuine consultation with the body on all judicial reforms;
21. Expresses concern about the lack of transparency in case allocation despite the formal provision for automation; deplores the risks of political or hierarchical manipulation in the assignment of cases, which may affect judicial impartiality and public confidence in the justice system; calls on the Commission to closely monitor the functioning of case allocation in Hungary and to take appropriate measures under all applicable tools where systemic deficiencies are identified;
22. Underlines that the Hungarian authorities must guarantee equal opportunities to access EU funding for individuals, companies, civil society, NGOs and local and regional authorities, must fully respect the principle of partnership throughout the management of European Union funding and must ensure independent judicial oversight, as well as impartial and effective complaints mechanisms; condemns the reported systemic discriminatory practices against academia, journalists, local governments, political parties and civil society, as well as companies in certain sectors; condemns smear campaigns, surveillance and online and physical intimidation creating a chilling effect;
23. Recalls with concern the increasing use of unlabelled AI-generated political content in Hungary ahead of the 2026 elections, notably the deliberate posting of deepfake videos on social-media channels closely linked to the prime minister's political party and campaign, and their coordinated amplification through affiliated accounts to maximise reach and public impact; notes that some of this material has not been clearly identified as artificially generated or manipulated, raising questions under the transparency and risk-mitigation obligations established by the Digital Services Act³⁷ and the data-

³⁷ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive

protection safeguards under the GDPR, and warranting closer assessment in the light of the transparency requirements provided for under the forthcoming AI Act; stresses that the deliberate use of AI-generated content to mislead voters, discredit political opponents and distort the integrity of electoral processes may contravene national electoral standards and represents a serious threat to the fairness of democratic elections and the credibility of democratic institutions as a whole;

24. Is concerned about the Hungarian Government's failure to uphold and respect the economic and social rights of Hungarian citizens, in the areas of public health, public transport, education, housing and energy, among others, and in particular in rural areas and smaller towns, as demonstrated by increasing poverty indicators and discriminatory demographic policies; stresses that persistent shortcomings in the protection of economic and social rights must be regarded as an integral part of the systemic threat to the values of Article 2 TEU, alongside civil and political rights; deplores the fact that the government's demographic programmes, which largely disregard women's rights and perspectives, have not delivered the promised results and have led to the inefficient use of public funds; expresses concerns that the excessive centralisation of the education system has contributed to a uniform decline in learning outcomes, as evidenced by international assessments, and stresses the need to restore school autonomy and teacher empowerment; notes with concern the chronic underfunding of the Hungarian healthcare system, which undermines equal access to medical services and contributes to persistently low life expectancy indicators; calls on the Hungarian authorities to align economic, social and demographic policies with EU values and evidence-based best practice, and to ensure that EU funds are used in a transparent and effective manner to improve the living standards of all citizens;
25. Deplores the fact that, despite the CJEU ruling finding the relevant legislation to be in breach of EU law, the Hungarian authorities have not taken steps to restore the ability of affected higher education institutions, such as the Central European University, to operate freely in Hungary, and that the Commission closed a follow-up infringement case³⁸; calls on the Commission to pursue all necessary legal and financial measures to safeguard educational institutions, students and academic staff against political interference;
26. Expresses deep concern about politically motivated business practices that give an unfair advantage to competitors, non-transparent and manipulated public procurement procedures, takeover bids involving state entities or actors with close political ties to the Prime Minister, and the use of EU funds to enrich political allies of the government in contradiction to EU competition and public procurement rules; stresses that the rule of law is crucial for a functioning single market in the EU; notes that the Commission has already opened several infringement proceedings in this field and that the Court of Justice has declared discriminatory price rules illegal; urges the Commission to take decisive and swift action against such violations of the single market; stresses that the rule of law and equal treatment of businesses are indispensable for a properly functioning internal market and for preserving investor confidence in the Union;

2000/31/EC (OJ L 277, 27.10.2022, p. 1, ELI:
<http://data.europa.eu/eli/reg/2022/2065/oj>).

³⁸ Judgment of 6 October 2020, *European Commission v Hungary*, C-66/18, ECLI:EU:C:2020:792.

27. Stresses that the allocation of state advertising by the Hungarian Government has been repeatedly reported to be deliberately and systematically channelled to government-friendly outlets, raising questions about a possible strategy to starve independent and critical media of resources, thereby undermining media pluralism and freedom of expression; calls on the Commission to examine whether such practices could constitute a form of illegal State aid distorting the internal market and to take enforcement action without delay;
28. Denounces the de facto constitutional ban on Pride marches resulting in the explicit legislative prohibition to hold them, the removal of gender identity from the list of protected characteristics and the discriminatory family law provisions; recalls that these measures are in conflict with the freedom of assembly and the principle of equality; calls on the Commission to explore all available legal tools, including, where appropriate, infringement procedures, while taking into account the forthcoming judgment of the CJEU in Case C-769/22 on the possible use of Article 2 TEU as a separate ground for an infringement procedure; indicates that quick reaction is necessary, in particular, in the light of the opening of a criminal investigation against the organiser of the Pécs Pride;
29. Condemns the fact that, despite the CJEU rulings finding the relevant legislation to be in breach of EU asylum law, the Hungarian asylum and migration system continues to display serious deficiencies and shortcomings, such as a lack of access to asylum procedures; stresses that such persistent non-compliance undermines the principles of mutual trust, solidarity and the fair sharing of responsibility; calls on the Hungarian authorities to cooperate fully with other Member States and the EU institutions in the spirit of sincere cooperation as enshrined in the treaties;
30. Reiterates its call on the Commission and the Council to immediately enter into negotiation with Parliament on an EU mechanism on democracy, the rule of law and fundamental rights in the form of an interinstitutional agreement, including a permanent policy cycle among the EU institutions; emphasises that while the toolbox available to the Union has been significantly expanded, its effectiveness depends on the coherent and consistent application across all institutions; in the meantime, stresses the need to establish a European Rule of Law Semester, featuring a clear structure with fixed milestones and active contributions from all EU institutions; underlines that, while initially focused on the rule of law, this Semester should be designed in a way that allows it to be progressively extended to cover all the values enshrined in Article 2 TEU, ensuring a comprehensive and coherent approach to the protection of Union values; underlines that this annual cycle must be based on solid, objective indicators and make clear that breaches of the rule of law are never trivial, and that any concerning findings should lead to real consequences, mirroring to the European Semester mechanism applied in the field of public finances;
31. Calls on the Council to adopt clear and updated guidelines on the interpretation and application of Article 7 TEU, building on a revision of the standard modalities for hearings referred to in Article 7(1) TEU, as adopted by the Council on 18 July 2019; believes, in particular, that the Council should ensure a proper role for Parliament and clarify the deadline for the Member State concerned to be heard, the legal nature and effect of recommendations addressed to that Member State, the deadline for taking a decision on the existence or absence of a clear risk of a serious breach, the legal nature and effect of the obligation to regularly verify whether the grounds that led to the

determination continue to apply, and the link with triggering the procedure enshrined in Article 7(2) TEU in cases where such grounds continue to apply; stresses that, under the current framework, a procedure can be launched without producing any effect on subsequent steps, as illustrated by the case of Hungary; underlines that the absence of clear deadlines, procedural certainty and automatic sequencing weakens the preventive and sanctioning functions of Article 7 TEU, and therefore undermines its credibility and effectiveness as a tool for safeguarding the values enshrined in Article 2 TEU;

32. Recalls that under Article 7(2) TEU, the Council may decide to suspend certain rights deriving from the application of the treaties to the Member State concerned, including but not limited to the voting rights of its representative in the Council; stresses that the provision leaves open the possibility of suspending other rights, and calls on the Council to clarify the potential scope of such measures, which could, for example, include restrictions on participation in enhanced cooperation, restrictions on access to certain benefits of the internal market, or restrictions on the application of mutual trust, such as in the Area of Freedom, Security and Justice;

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33. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe and the United Nations.