



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 January 2012

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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: European Parliament plenary meeting of 18 January 2012
Recent political developments in Hungary

At the start of the debate the Presidency, represented by Minister WAMMEN, stated that all Member States must comply with the rules of the Treaty and EU law. The Presidency supported the actions of the Commission as guardian of the Treaty and its request to Hungary which had been taken after detailed analysis and consultation. Mr. WAMMEN said that he expected the Hungarian authorities to react positively and that a solution would be found.

For the Commission, President BAROSSO presented the Commission's approach which he said was firm and objective but sensitive in its communication. He explained that contacts up to the highest level had been established and that a reply from Prime Minister Orban had been received announcing his intention to modify the contested provisions in order to comply with the requirements set out by the Commission. Mr. BAROSSO said that some issues at stake went beyond EU law and that the Council of Europe had also a role to play. However making political judgments was more difficult than making a legal assessment, but everyone involved needed to help consolidate democracy in Hungary in the interest of its citizens. He said that the Commission had the highest respect for the Hungarian people, but that the deterioration of democracy, freedom and the rule of law should be tackled unequivocally.

Prime Minister ORBAN explained the context in which the Hungarian government was introducing the structural reform needed to fight the collapse of the country and its economy. This reform, contained in a new constitution and more than 365 legislative acts, addressed a variety of issues but as in any other country, some people were unhappy with these changes. Everything had been done to respect EU fundamental values but he said to understand that there may be some problems as identified by the Commission. He was prepared to discuss these in order to remedy any shortcomings with EP and Commission support.

The subsequent debate which lasted more than 3 hours, reflected the differences between the right and left wing of the plenary. The EPP group expressed broad support for the Hungarian government, welcoming its willingness to work closely with the Commission in addressing the issues. The S&D, ALDE, Greens and GUE groups strongly criticised what they saw as anti-democratic and populist measures of the Orban government. Some ECR Members were equally critical of Orban's attitude.

Mr. DAUL(EPP/F) referred to the historical context of the reform process and the willingness shown by Orban to debate the issue and look for solutions.

Mr. SWOBODA (S&D/DE) criticised the overall approach of the reforms which he considered were a threat to the EU's values and suggested that the EPP should give guidance to members of its own group.

Mr. VERHOFSTADT (ALDE/B) referred to a long list of alleged infringements, regretting that the debate was clearly dividing the plenary into two parties which in such an important matter as fundamental rights should not be the case. In his view the Commission had not sufficiently addressed the non technical issues related to violations of fundamental EU values. He called for the application of Article 7 (1) of the Treaty.

Mr. COHN BENDIT (Greens/F) asked whether public opinion throughout the world was wrong and Mr. Orban right. Instead of changing the old stalinist constitution into a modern one, Orban was returning to a new authoritarian regime. He proposed sending a delegation to assess the situation on

the spot and said that if Mr.Orban was convinced that there was no breach of fundamental rights, he should be ready to allow an examination under Article 7.

Mr. BOKROS (ECR/HU) spoke about undermining of autonomous decision making in various areas and of Hungarians suffering as a result of new measures which were damaging the interests of Hungary. He informed the plenary that a large number of new laws had been drafted and approved in a hurry without adequate professionalism.

Ms. VERGIAT (GUE/F) alleged that Mr. Orban would use his appearance in plenary for domestic purposes and considered that the Commission infringement procedures were inadequate to tackle the real fundamental problems.

Mr. ZIOBRI (EFD/PL) compared the current EU pressure on Hungary with the occupation of the Baltics by the USSR and considered the infringement procedures as an attack on national sovereignty.

Ms. MORVAI (NI/HU) said that not Hungary but the institutions themselves should be blamed for the collapse of the EU and that sovereignty and self determination were important for citizens.

In the interventions of Members the arguments already mentioned by speakers on behalf of the political groups were reiterated and over 30 blue cards were shown.

The two third majority of Orban's government in the Hungarian parliament was considered by some EPP speakers as an expression of the Hungarian people as a wish for change, and by S&D and Green MEPs as an obligation to take particular care of minorities.

Many interventions from the left called on the Commission to look beyond the purely technical aspects and look at the broader picture, requiring not only cosmetic changes. Also some ALDE speakers considered that it was not so much a debate on Hungary or the Orban government but on the capability of the EU to defend and enforce fundamental rights . The case should also serve as an example for other Member States which were accumulating similar problems.

Several EPP, ECR and EFD speakers alleged that the left wing was guilty of double standards, not calling into question left wing governments such as the previous Hungarian government and not

keeping to the facts but rather criticising on an ideological basis. Some also emphasised that the Hungarian government was acting in good faith and had already shown goodwill in other litigations. After closing interventions by the Presidency and the Commission which repeated their initial positions, Mr. ORBAN said he supported political competition. He said that many arguments in the debate were based on incorrect facts and invited Members to study the Hungarian constitution which contained a lot of new provisions in respect to the protection of minorities and safeguards. He said that although his country might be in a minority position in the EU, it stressed important values such as family, the nation and catholicism. He clarified some issues such as the retirement age of judges which was established in the framework of a broader retirement reform and the issue of independence of the Central Bank for which only a minor controversy existed. He concluded that the debate was not always inspired by facts but rather by emotions or party politics but nevertheless welcomed the event as a useful opportunity to resolve controversies.

In a final round, representatives of S&D, ALDE, Greens and GUE said that they were not convinced of the Prime Minister's arguments and reacted to some remarks made in his closing address.