Follow-up to the European Parliament non-legislative resolution 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

1. **Rapporteur:** Tineke STRIK (The Greens/EFA / NL)

2. **References:** 2018/0902R(NLE) / A10-0231/2025 / P10_TA(2025)0283

3. **Date of adoption of the resolution:** 25 November 2025

4. **Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

5. **Brief analysis/ assessment of the resolution and requests made in it:** The European Parliament deplores the lack of meaningful progress in the ongoing Article 7(1) TEU procedure against Hungary. **(1)** The resolution calls on the Council to publish comprehensive minutes after each hearing and issue recommendations to the Hungarian authorities as soon as possible to remedy the issues noted in the Parliament's resolution (para 3); it 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 (paras 31 and 32); it furthermore calls on the Commission and the Member States to initiate the procedure under Article 7(2) TEU to determine whether Hungary has committed serious and persistent breaches of EU values under Article 7(2) TEU (para 4); **(2)** it 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 (para 5); **(3)** it calls on the Commission and Member States to ensure that the elections in Hungary in 2026 are free and fair, are properly monitored and fully comply with the principle of democracy (para 8); **(4)** it 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 (para 8); **(5)** it calls on the Commission to take immediate action under the Conditionality Regulation as regards other breaches of the rule of law, such as those related to the judiciary (para 9); **(6)** it calls on the Commission to freeze the funds until all of the legislation relevant for the horizontal enabling condition of the Charter of Fundamental Rights of the EU ('the Charter') in relation to judicial independence 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 Court of Justice of

the European Union and the European Court of Human Rights (para 11); **(7)** it calls on the Commission to ensure that assessments under the Common Provisions Regulation, the Recovery and Resilience (RRF) Regulation and the Conditionality Regulation always remain strictly impartial and free from politicisation, political bargaining or favouritism (para 12); **(8)** it 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 (para 13); **(9)** it calls on the Commission to support independent civil society in Hungary in particular by using the Citizens, Equality, Rights and Values (CERV) programme (para 13); **(10)** it 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 (para 14); **(11)** it 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 (para 21); **(12)** it calls on the Commission to pursue all necessary legal and financial measures to safeguard educational institutions, students and academic staff against political interference (para 25); **(13)** it calls on the Commission to examine whether the allocation of state advertising by the Hungarian Government could constitute a form of illegal State aid distorting the internal market and to take enforcement action without delay (para 27); **(14)** it calls on the Commission to explore all available legal tools against 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 (para 28).

6. Response to requests and overview of actions taken, or intended to be taken, by the Commission:

(1) The procedure under Article 7(1) TEU covers a wide range of rule of law issues. The Council has so far held nine formal hearings on Hungary, most recently on 21 October 2025. In the framework of the Article 7(1) procedure, the Commission always stands ready to participate in hearings and state of play points in the Council and is of the view that the procedure should be maintained as long as the issues that triggered it are not solved. It is for the Council to decide on next steps in that procedure, acting by a majority of four fifths of its members and after the consent of the European Parliament. A determination under Article 7(2) TEU that a serious and persistent breach exists would require unanimity in the European Council (except the concerned Member State) and the consent of the European Parliament.

(2) The Commission continues to share many of the concerns expressed by the Parliament in its reasoned proposal of 12 September 2018 triggering the Article 7(1) TEU procedure for

Hungary. The Commission’s concerns regarding the rule of law in Hungary are clearly stated in the Commission’s annual Rule of Law Reports. The last edition was published on 8 July 2025. As stated in the 2025 Rule of Law Report, on seven out of eight recommendations of the Rule of Law Report made in 2024 there has been no progress. These concern case allocation in lower courts, lobbying, revolving doors and asset declarations, high-level corruption, independence of the media authority, state advertising in media, independence of the public broadcaster and civic space. Significant progress has been recorded on one recommendation related to salaries in the justice system. The Commission launched several infringement proceedings relating to the areas covered by the Parliament’s reasoned proposal, such as the rights of civil society organisations, academic freedom, media freedom, the rights of migrants and asylum seekers, and the rights of LGBTIQ people, as well as infringements in relation to the functioning of the Single Market. The Commission will not hesitate to take further action, if necessary, to ensure the respect for the rule of law and the proper functioning of the Single Market.

(3) Free and fair elections are at the core of democracy. The conduct and organisation of elections are the competence and responsibility of the Member States, in accordance with their national constitutional and legislative rules, while respecting their international obligations and EU law. National competent authorities and courts have the primary responsibility of ensuring compliance with these rules. While the Commission does not conduct election monitoring in the Member States, it encourages impartial and independent election observation. In December 2023, the Commission adopted Recommendation (EU) 2023/2829 on inclusive and resilient electoral processes in the Union, which called on Member States to promote election observation by citizens and international organisations which endorse relevant international standards, including by facilitating their registration with competent authorities, where applicable, and by supporting training activities for election observers. The Commission facilitates valuable exchanges and mutual support through the European Cooperation Network on Election (ECNE), which brings together national authorities with responsibilities in electoral matters. For example, in June 2025, the Commission published a checklist on the integrity of elections and a risk-management matrix for elections, prepared with Member States in the framework of ECNE, which provide common references on tackling shared challenges to elections. The European Democracy Shield adopted on 12 November 2025 notably aims to support the fairness and integrity of electoral and other democratic processes, in full respect of national competences. The Commission will intensify its support to Member States and stakeholders to enhance electoral integrity and preparedness, protect election-related infrastructure critical for the organisation and conduct of elections, minimise risks of foreign interference, strengthen election networks, electoral cooperation and reporting, and encourage the observation of elections by citizens and international organisations which endorse relevant international standards, which are all key aspects of the 2023 Commission Recommendation on inclusive and resilient electoral processes in the Union.

(4) The Commission monitors developments regarding the transparency of the financing of political parties and electoral campaigns in the context of the annual Rule of Law Report. The Commission continues to closely follow the situation in view of the preparation of the seventh edition of the Rule of Law Report.

(5)-(7) Beyond the annual Rule of Law Report and infringement proceedings, the Commission assesses Hungary's efforts to strengthen the rule of law in four parallel procedures: (a) the general regime of conditionality, (b) the RRF, (c) the horizontal enabling condition of the EU Charter of Fundamental Rights, and (d) a country specific recommendation under the European Semester. The first three procedures have resulted in the suspension of certain payments to Hungary. Overall, the funding that remains blocked for Hungary amounts at present to approximatively 18 billion euro, and around EUR 2 billion of the initial Cohesion Policy allocation have been definitively lost. There are ongoing procedures under the RRF, the Conditionality Regulation, and certain aspects of the Charter horizontal enabling condition. (a) Hungary is the only Member State currently subject to measures under the Conditionality Regulation, by means of a Council implementing decision (CID) adopted on 15 December 2022 to protect the Union budget from breaches of the principles of the rule of law. These breaches are related to the areas of public procurement, prosecutorial action, conflict of interest, the fight against corruption, and the public interest trusts. The CID suspends 55% of budgetary commitments on three Hungarian operational programmes in Cohesion policy over the 2021-2027 period, equalling an initial amount of approximately EUR 6.4 billion. The Council decision also prohibits new legal commitments under direct and indirect management with any so-called 'public interest trusts' (PITs) or any entity maintained by such PITs. The state of play on the CID remains unchanged. Both measures are still in place, as Hungary did not adopt any remedy to effectively address the related issues. With regard to the PITs, following a notification of new remedies by Hungary, the Commission decided on 16 December 2024 not to propose the lifting or adapting of measures as it considered the new remedies not sufficient to address the conflict of interest concerns related to PITs. The Hungarian government filed an action before the General Court of the European Union to seek the annulment of the Commission's Decision of 16 December 2024. The case is pending. At the end of 2024, EUR 1.04 billions of commitments under Cohesion Policy, as concerned by the measure under the CID, expired and were lost for Hungary. A second tranche of approximately EUR 1.081 billion was definitively lost for Hungary at the end of 2025 in application of Conditionality Regulation and MFF 2021-2027 rules. Unless Hungary remedies the issues that led to suspending cohesion funds, further tranches of suspended commitments with approximately the same amount will be lost at the end of each year. Under the Conditionality Regulation, the Commission continuously evaluates for all Member States whether new developments constitute breaches of the principles of the rule of law with a sufficiently direct link to the Union budget. As the Court of Justice has held, this requires 'a real link between those breaches and that effect or serious risk of effect'. The Commission stands ready to make full use of the range of tools at its disposal to ensure the respect of the rule of law and the protection of the Union's financial interests in Hungary, as in all other Member States, and will not hesitate to take appropriate measures where necessary and where all relevant conditions are met. (b) Regarding the RRF, the Commission will assess the fulfilment of the conditions for payment, including the so-called 'super milestones' which refer to the protection of the EU's financial interests and to strengthen judicial independence – once Hungary submits a request for payment. (c) The Charter horizontal enabling condition remains non-fulfilled in 4 programmes because concerns persist related to Hungary's so-called child protection law, academic freedom and the right to asylum; these together affect 2.7 billion euro in EU funding. (d) Finally, on 8 July 2025, in the context of the European Semester, the Council – following the Commission's recommendation – adopted country-specific recommendations for Hungary related to the rule of law and the single market. Specifically, the Council recommended that Hungary take action to improve the regulatory framework and enhance competition in markets for products and services, in particular in retail. To attain these objectives, the Council recommended that Hungary should avoid arbitrary administrative interventions, tailor-made legislation providing undue advantage or disadvantage to specific companies and market-distorting state-supported transactions. Hungary should also reduce the use of emergency measures to what is strictly necessary, in line with the principles of the single market and the rule of law. The Commission is committed to work with the new Hungarian government as soon as it is in place and is ready to engage constructively with the Hungarian authorities to help addressing outstanding rule of law concerns.

(8) The Commission implements the EU budget in line with the applicable rules adopted by the co-legislators. Under the rules applicable to the current MFF, it is not possible to distribute EU funds via local governments and NGOs if the government concerned does not cooperate in addressing the deficiencies. Under the Commission proposal for the 2028–2034 MFF, where the financial contribution of a Member State has been reduced under the NRP Regulation or in case of decommitted NRP funds under Article 7(3) of the Conditionality Regulation, the decommitted funds may be made available again for other programmes implemented under direct or indirect management, in particular those contributing to supporting Europe's democracy, civil society, Union values or the fight against corruption in line with Article 15(4) of the NRP Regulation.

(9) Through the CERV programme, the EU empowers the civic space by promoting and supporting actions on democracy, equality, fundamental rights and the rule of law in the EU. The programme, which is implemented directly by the European Commission, specifically focuses on the protection and promotion of Union values by providing support to civil society organisations and other actors active in promoting and cultivating those values and rights. Until November 2025, almost 700 Hungarian entities (including recurrent beneficiaries) had been granted more than EUR 27 700 000 in total for the implementation of CERV funded projects. Details about beneficiaries and granted funds can be found on the Financial Transparency System and information and details about the projects funded can be found on the EU Funding and Tenders portal.

(10) The Commission assesses requests for cohesion programme amendments in line with EU law applicable at the time of submission by the concerned Member State. As regards concerns of possible circumventions of measures, the Commission takes these very seriously and takes all measures to prevent thatsuch circumvention can take place, including where the legislator sets out additional conditions.

(11) In its Implementing Decision C(2023)9014 of 13 December 2023, the Commission considered under the Common Provisions Regulation that Hungary had taken the measures it committed to take in order for the Commission to assess as fulfilled the horizontal enabling condition on the EU Charter of Fundamental Rights in what concerns judicial independence. These measures also affected case allocation at the *Kúria*. The Commission monitors the functioning of the Hungarian justice system in its annual Rule of Law Report. Since 2022, the Commission has recommended that Hungary improve the transparency of case allocation systems in lower-instance courts, taking into account European standards on case allocation. The 2025 Report noted that the transparency of case allocation in lower courts has not been improved, whereas the case allocation in the *Kúria* is being implemented.

(12) In October 2020, the Court of Justice found that Hungary breached EU law and the Charter of fundamental rights by limiting access of foreign universities to the Hungarian market. In April 2024, the Commission called on Hungary to fully comply with the Court’s judgment. Subsequently, Hungary amended its Higher Education Law, and the Commission closed the case. In December 2022, the Commission approved all 2021-2027 programmes under the Common Provisions Regulation for Hungary. The Commission raised concerns, within the framework of the Charter horizontal enabling condition, inter alia regarding academic freedom in universities maintained by public interest trusts (the so-called ‘model-changing’ universities). The legislation on these universities is considered in breach of academic freedom and thus not in compliance with the Charter horizontal enabling condition. Subsequently, the Commission identified risks that such universities could be involved (even indirectly) in the implementation of the new STEP priorities.

(13) On 11 December 2025, the European Commission decided to open an infringement procedure by sending a letter of formal notice to Hungary (INFR(2025)2194) for failing to comply with several provisions under the European Media Freedom Act (EMFA). The EMFA, the main provisions of which entered into application on 8 August 2025, is a key piece of legislation to protect media freedom, independence and pluralism within the EU's internal market. The Commission takes the view that Hungary does not comply, inter alia, with requirements relating to media market concentrations and the allocation of State advertising. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

(14) The Commission stands with the LGBTIQ community in Hungary as in all Member States; this is a message the Commission has made clear repeatedly. The right to peaceful assembly is enshrined in the Charter and is a core element of European democracies. The Union is founded on freedom and equality – everyone should be able to be who they are, live freely and love whom they choose. The Commission is analysing the Hungarian law related to the freedom of assembly and allowing the use of facial recognition. This law gives rise to questions with respect to EU data protection legislation. The Commission has requested clarifications from the Hungarian authorities, is analysing their response, and will not hesitate to take action as appropriate.