

Commission: Rule-of-Law-Related Infringement Actions Against Hungary



News

Thomas Wahl

On 25 July 2019, the Commission decided to launch an action before the CJEU against Hungary for not fulfilling its obligations under EU law, because Hungary has not changed its so-called “Stop Soros” legislation. The law criminalises activities in support of asylum applications and further restricts the right to request asylum. After having examined Hungary’s replies to a reasoned opinion, the Commission found that Hungary has not sufficiently addressed the concerns raised, in particular the incompatibility with the EU’s asylum law.

In addition, the Commission filed an action against Hungary at the CJEU for excluding non-EU nationals with long-term resident status from exercising the veterinary profession. This is considered an incorrect implementation of the Long-Term Residents Directive.

In another case, the Commission initiated the infringement procedure by sending a letter of formal notice to Hungary. It criticizes that the detention conditions of returnees in the Hungarian transit zones violate the EU’s Return Directive and the Charter of Fundamental Rights of the European Union.

The measures taken by the Commission can be seen in the wider context of the EU’s push for Hungary to uphold the value of rule of law. In September 2018, the European Parliament voted to trigger the Art. 7 TEU process, which may ultimately lead to disciplinary sanctions. It was the first time that the Parliament called on the Council of the EU to act against a Member State to prevent a systemic threat to the Union’s founding values.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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