

Hungary: Overview of Recent Rule-of-Law Developments

Thomas Wahl

News

- *3 December 2020*: In the [Opinion in Case C-650/18](#) on the European Parliament's decision to initiate Article 7 TEU proceedings against Hungary, Advocate General *Bobek* advises the CJEU to dismiss the Hungarian application for annulment as unfounded. Hungary had challenged the Parliament's vote on the resolution that triggered the procedure for determining the existence of a clear risk of a serious breach by Hungary of the EU's fundamental values. Hungary argued that the vote result did not take into account the abstentions, which is why the required two-third majority was not reached. According to the Advocate General, the relevant provisions of the TFEU and the EP Rules of Procedure exclude abstentions from the count. Furthermore, MEPs were duly informed before the vote that abstentions would not count as vote cast; therefore, they were able to exercise their right to vote in the light of these rules. A decision in this case by the CJEU is expected in the first half of 2021.
- *17 December 2020*: The CJEU, sitting as the Grand Chamber, states that Hungary failed to fulfil its obligations under EU law in the area of procedures for granting international protection and returning illegally staying third-country nationals ([Case C-808/18](#)). In particular, restricting access to the international protection procedure, unlawfully detaining applicants for that protection in transit zones, moving illegally staying third-country nationals to a border area, and not observing the guarantees surrounding a return procedure, constitute infringements of EU law. The CJEU rejects Hungary's arguments that the migration crisis justified derogating from certain EU rules with a view to maintaining public order and preserving internal security. The CJEU maintained most part of an infringement proceeding initiated by the Commission against Hungary.

AUTHOR

Thomas Wahl

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

ISSN: 1862-6947

<https://eucrim.eu>



About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
the European Union**