

Hungary : Rule-of-Law Developments in the First Half of 2024

News

Thomas Wahl

This news item continues eucriM's regular overview of concerning rule-of-law developments in Hungary as far as implications on Union law, in particular the protection of the EU's financial interests, are concerned. It covers the period from the second half of January until the end of June 2024. It follows up on the overview in [eucriM 4/2023, 309-312](#), which covered developments up to mid-January 2024.

- 18 January 2024 : The Hungarian Helsinki Committee (HHC) and [Team ATLO](#) (a project from the Budapest based investigative journalism NGO Atlatzso) launch a [scrollytelling tool](#) that informs users about suspended Union funds for Hungary. The tool provides in a user-friendly way infographics, animations and text to explain and present complex and lengthy processes and phenomena with regard to the EU's blocking of funds for Hungary following the European Commission's decision of 13 December 2023 (→ [eucriM 4/2023, 311](#)). Information is provided in English and Hungarian.
- 4 February 2024: In a [briefing paper](#), the HHC states that Hungary continues to face systemic overcrowding in its prisons. In addition, there is disproportionate use of physical restraints during criminal trials. According to the HHC, Hungary still falls short of essential European human rights standards for detainees.
- 7 February 2024: The European [Commission opens an infringement procedure](#) against Hungary for its "Protection of National Sovereignty Act", which was adopted by the Hungarian Parliament on 12 December 2023 and has been in force since 22 December 2023 (→ [eucriM 4/2023, 311](#)). The Act established the Sovereignty Protection Office (SPO) tasked with conducting investigations against individuals and legal entities that are suspected of serving foreign interests or threatening national sovereignty. The Act also punishes certain activities in relation to foreign funding of elections. According to the Commission, the Hungarian legislation at stake violates several provisions of primary and secondary EU law, among others the democratic values of the Union and electoral rights. Hungary has two months to reply to the letter of formal notice.
- 8 February 2024: In a [joint paper](#), Amnesty International and the HHC analyse how the "Protection of National Sovereignty Act" (see above) is in breach of EU law. The Commission is called upon to swiftly conduct the relevant infringement proceedings (see above, 7 February 2024).
- 1 March 2024: A [credit system in Hungarian penitentiary institutions](#) is launched. The system aims to contribute to a better motivation of prisoners to excel individually. Convicted persons are placed in various categories; they can earn prisoners credits (e.g., participation in reintegration programmes)

AUTHOR

Thomas Wahl

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

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allowing to move up to a more favorable category, with individualized targets based on a complex algorithm. The reform is generally welcomed.

- 11 March 2024: The Greens/EFA group in the European Parliament reports that the Legal Affairs Committee (JURI) has voted in favour of the [Parliament taking the Commission to the European Court of Justice over the release of €10.2 billion in funds](#) to Hungary last December (→ [eucrim 4/2023, 311](#)). The press release also says that “the Parliament will file the case in the coming days”. [Media also reported](#) on these steps. The EP eyes the Commission’s release of funds (which were previously frozen due to concerns around judicial independence) ahead of the December summit of the European Council. The EP’s action against the Commission was already announced in its resolution of 18 January 2024 (→ [eucrim 4/2023, 311](#)). In 2021, the EP already brought a court action against the Commission for its failure to activate the conditionality mechanism against Hungary (→ [eucrim 4/2021, 215](#)).
- 24 April 2024: The [European Parliament \(EP\) adopts a resolution](#) “on ongoing hearings under Article 7(1) TEU regarding Hungary to strengthen the rule of law and its budgetary implications”. The EP deplores the lack of meaningful progress on the Article 7 TEU-procedure initiated by the Parliament in September 2018. MEPs see a persistent systemic and deliberate breach of democracy, the rule of law and fundamental rights in Hungary, for which the Hungarian Government bears responsibility. They condemn the adoption of the Protection of National Sovereignty Act and the creation of the Sovereignty Protection Office (→[eucrim 4/2023, 311](#)) with extensive powers and a strict system of surveillance and sanctions. They also criticize the Commission’s approach to partly release EU money to Hungarian authorities (see above). The Council and the Commission are called on to devote more attention to tackling the systemic dismantling of the rule of law, as well as to the interplay between the various breaches of values identified in EP resolutions.
- 30 April 2024: Less noticed by international media, the Hungarian Parliament passes an act that amends the law on judicial matters. With effect from 9 July 2024, [the “Omnibus Act”](#) allows the Hungarian Minister of Justice unlimited access to final and binding or “conclusive” court decisions and decisions taken by the Prosecution Service as well as decisions of investigating agencies. [NGOs criticise](#) that the new law attacks the organisational independence of the Hungarian judiciary. They argue that it is unnecessary for its declared legislative purpose, liquidates institutional independence of the judiciary, opens the door to abusive application, and breaches the non-regression principle under Art. 19 TEU.
- 2 May 2024: The HHC publishes a “[threat assessment](#) of the 2024 European parliamentary and local elections in Hungary”. It provides a summary of some recent legal developments that have taken place since the 2022 general elections in Hungary and report on how Hungary addressed relevant recommendations from the OSCE Office for Democratic Institutions and Human Rights from 2022. The HHC concludes that nearly all recommendations have remained unaddressedf.
- 13 June 2024: The [ECJ holds](#) in [Case C-123/22](#) that Hungary has not taken the measures necessary to comply with a 2020 judgment that stated that Hungary violated EU law as regards access to the international protection procedure, the right of applicants for international protection to remain in Hungary pending a final decision on their appeal against the rejection of their application, and the removal of illegally staying third-country nationals. The ECJ argues that, for not having recognized this judgment, Hungary disregarded the principle of sincere cooperation and deliberately evaded the application of the EU common policy on international protection as a whole and the rules relating to the removal of illegally staying third-country nationals. The ECJ states that this constitutes an unprecedented and extremely serious infringement of EU law. Hence, the Court orders Hungary to pay a lump sum of €200 million and a penalty payment of €1 million per day of delay.
- 20 June 2024: Ahead of the June 2024 General Affairs Council (see below), a group of Hungarian civil society organisations call on EU Member States to finally take action in the Article 7 TEU-procedure against Hungary that was launched six years ago (see above). In [their letter](#), the organisations submit

that evidence of serious and persistent breaches of Article 2 is clear. They also call on the Council to address recommendations to Hungary, in particular with regard to: strengthening the anti-corruption framework, protection of LGBTQI+ people and repeal of the Protection of National Sovereignty Act.

- 25 June 2024: [The General Affairs Council holds](#) a hearing as part of the Article 7 TEU-procedure. This was the seventh hearing since the beginning of the procedure in September 2018 triggered by the EP. Exchanges focused on the functioning of the constitutional system and checks and balances, the fight against corruption, the protection of civic space, academic and media freedom, and the protection of LGBTQI rights in Hungary. Belgian Minister of Foreign and European Affairs Hadja Lahbib said that the concerns remain on the Council's agenda "until the outstanding issues are resolved."
 - 25 June 2024: the Sovereignty Protection Office (SPO) [launches "specific and comprehensive investigations"](#) against the Hungarian branch of anti-corruption organisation [Transparency International](#) and [Atlatszo](#), a Hungarian investigative journalism NGO established to promote transparency, accountability, and freedom of information in Hungary (see also above). SPO alleges the organisations to be engaged in, and supporting activities that are funded from "subsidies from abroad" and that "influence the decisions by the electorate". SPO passes a list of questions inquiring, inter alia, the financial accounts and the organisations' activities. Both organisations repeatedly voiced their reservations against the law on the protection of national sovereignty adopted at in December 2023 (→ [eucrim 4/2023, 311](#)). They believe that the investigations were specifically directed against them for this reason.
 - 26 June 2024: [The 2024 Hungarian Citizen Election Report](#), jointly prepared by several Hungarian election-related organisations, sees shortcomings in the elections to the EP and local governments of 9 June in Hungary. These include the overwhelming visibility of the ruling parties and the involvement of public resources and third parties in the campaign, a non-inclusive appeals system, and chilling effects by the Sovereignty Protection Office set up by the Protection of National Sovereignty Act and the election-related amendment to the Criminal Code.
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