

Hungary: Rule-of-Law Developments January-August 2026

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News

This news item provides an update on relevant rule-of-law developments in Hungary that have implications for Union law, particularly with regard to the protection of the EU's financial interests. The reporting period is from 1 January to mid-August 2026. The period is characterised by the landslide victory of *Péter Magyar's* Tisza party in the 12 April 2026 parliamentary elections, leading to expectations in Europe that Hungary will rebuild its rule-of-law standards following *Viktor Orbán's* 16-year tenure. This is a precondition for the release of billions of euros of EU funding that has been blocked. This overview builds on the one in [eucrim 3/2025, pp. 188–191](#).

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- **27 January 2026:** The Grand Chamber of the European Court of Justice [rules in Case C-271/23](#) that Hungary failed to fulfil its obligations under EU law by voting against the Council's common position regarding the rescheduling of Cannabis at a session of the United Nations Commission on Narcotic Drugs. The ECJ finds that, under Art. 3(2) TFEU, the Union has exclusive external competence where international measures may affect common Union rules or alter their scope. This is the case with regard to the term "drugs" as defined in [Council Framework Decision 2004/757/JHA](#) laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. According to the Court, by voting, within an international body, against a common position of the Council, Hungary compromised the principle of sincere cooperation as well as the principle of unity in the international representation of the EU and its Member States.
- **9 February 2026:** The Hungarian Helsinki Committee (HHC) publishes a [brief outlining on how the "state of danger" rules continue to be a powerful tool](#) in the hands of the executive and undermine the separation of powers. The HHC points out that recent constitutional amendments to the rules of the "state of danger", such as the formal requirement of parliamentary authorisation to override Acts of Parliament, do not limit government power in practice, given that the current Government holds a stable two-thirds majority in the Parliament. Furthermore, the amendments leave intact the most problematic features of the legal framework, including an excessive carte blanche mandate for the Government.
- **10 February 2026:** According to the [annual Corruption Perceptions Index \(CPI\)](#) compiled by the Secretariat of Transparency International in Berlin, Hungary remains the most corrupt EU country for the fourth consecutive year. Hungary shares the last place with Bulgaria this time, but it is the lowest record of Hungary in the CPI. The poor result reflects the continued failure to remedy rule of law deficiencies and to curb systemic corruption, according to the report.
- **12 February 2026:** In her [opinion on Case C-829/24](#), Advocate General (AG) *Juliane Kokott* calls on the ECJ to rule that Hungary has failed to fulfil its obligations under EU law in several respects by adopting the Protection of National Sovereignty Act. Adopted on 12 December 2023, the Act estab-



lished, *inter alia*, a new authority, the "Sovereignty Protection Office" (SPO). It was officially tasked with "protecting constitutional identity" and was granted extensive powers and discretion to conduct investigations against individuals or legal entities that are suspected of serving foreign interests or threatening national sovereignty (→[eucrim 4/2023, 311](#)). In the AG's view, the SPO's powers of investigation and disclosure together with the corresponding obligations to cooperate, are indirectly discriminatory and Hungary infringed several fundamental freedoms, as specified by the "Services" Directive. The AG also finds that the threat of an investigation and of its findings being published in accusatory or stigmatising reports, and the risk of criminal proceedings, have a chilling effect and may lead to self-censorship by journalists and/or publishers and press organisations. This infringes the freedom of expression and information guaranteed by the CFR. Other provisions of the Act interfere with the freedom of association and the professional secrecy between lawyers and clients. Lastly, the processing of personal data by the SPO does not comply with the GDPR and the CFR.

- **26 February 2026:** The Grand Chamber of the European Court of Justice [rules in Case C-92/23](#) that Hungary infringed the freedom of expression and information by refusing to renew the broadcasting licence of the radio station "Klubrádió". The case initially arose from an automatic rejection due to formal omissions in reporting obligations, and subsequently from the non-acceptance of the application under a new tender procedure. The judges in Luxembourg emphasise that the allocation of frequencies must be carried out strictly in accordance with objective, transparent, non-discriminatory and proportionate criteria. An automatic rejection, even in the case of minor breaches of obligations that have since been rectified, is disproportionate. The Court also emphasised that, given the central role of audiovisual media in shaping public opinion, radio frequencies constitute a crucial means of access to freedom of broadcasting and the media. Restrictions on access to these frequencies therefore directly interfere with this fundamental right and require particularly stringent justification.
- **12 April 2026:** The Tisza Party, led by *MEP Péter Magyar*, wins the [parliamentary elections in Hungary](#), defeating the incumbent Fidesz-KDNP government of Prime Minister *Viktor Orbán*. The Tisza Party wins 141 of the 199 parliamentary seats, corresponding to more than two-thirds. This "supermajority" allows the party to amend Hungary's constitution (Fundamental Law) and key laws. With 79% of the electorate voting, this is the highest turnout in any election since Hungary's transition to democracy in 1990. *Viktor Orbán* concedes his defeat after having been 16 years in power. [Péter Magyar says](#): "Today was a celebration of democracy. Together we have replaced the Orbán system, together we liberated Hungary and we took back our country". Commission President [Ursula von der Leyen commented](#): "Hungary has chosen Europe. Europe has always chosen Hungary. A country reclaims its European path. The Union grows stronger.... Europe's heart is beating stronger in Hungary tonight."
- **13 April 2026:** *Péter Magyar* holds his [first press conference](#) after winning the parliamentary elections. He sets out an ambitious reform programme and gives his views on the European Union, the rule of law, the central bank, and pride/LGBTQ+ rights. He announces that his government "will do everything to restore the rule of law, plural democracy, and the system of checks and balances", without using anti-democratic measures. He pleads for "a strong Central Europe within a strong EU." He also calls on high-level officials who owe their mandate Orbán's Fidesz Party, including incumbent Hungarian President *Tamás Sulyok*, to resign or leave office.
- **21 April 2026:** The Court of Justice of the European Union, sitting as the Full Court, [rules](#) that Hungary's so-called "Anti-Paedophilia Act" of 2021 was contrary to EU law. For the first time, the ECJ finds a breach of the fundamental values enshrined in Art. 2 TEU. The ruling in [Case C-769/22](#) concerned infringement proceedings brought by the Commission against Hungary. The Hungarian law prohibits or restricts the portrayal of homosexuality and transgender identities to minors, for example in schools, the media and advertising (→[eucrim 2/2021, 72](#)). The ECJ finds that these provisions infringed EU law in several respects. In particular, they affect provisions of internal market law relating to services, as well as the GDPR. The ECJ also finds breaches of the Charter of Fundamental Rights

(in particular human dignity, non-discrimination, and freedom of expression and information).

Examining a separate infringement of Art. 2 TEU, which lists the values on which the Union is founded and which are common to all the Member States, the Court notes that the aspects of the Act "constitutes a coordinated series of discriminatory measures which are in breach, in a way that is both manifest and particularly serious, of the rights of non-cisgender persons – including transgender persons – or non-heterosexual persons, as well as the values of respect for human dignity, equality and respect for human rights, including the rights of persons belonging to minorities." Thus, for the first time, the Court directly classifies a national law as a breach of the fundamental values of EU law themselves. In doing so, it awards a binding nature to Art. 2 TEU being a justiciable standard, creating a further lever in the enforcement of infringement proceedings and enabling the EU to respond to illiberal developments in Member States. However – as the Court qualifies restrictively – "only manifest and particularly serious breaches of one or more values common to the Member States may give rise to a finding that there has been a failure by a Member State to fulfil legally binding obligations under Article 2 TEU, such breaches being incompatible with the very identity of the Union as a common legal order of a society in which pluralism prevails." With its ruling, the Court follows the proposals set out in the Opinion of Advocate General *Ćapeta* of 5 June 2025 (→[eucrim 3/2025, 190](#)).

- **1 May 2026:** Hungarian civil society organisations publish the "[Hungarian Citizen Election Report 2026](#)". The report documents systemic abuses and shortcomings observed during the parliamentary election campaign period. Particular attention is drawn to disinformation, social media manipulation, and attempts at foreign interference. The report also offers recommendations aimed at making future elections more transparent and fair. It is emphasised that Hungary still lacks a legal framework for formal civil election observation – a deficiency that weakens trust in the electoral process.
- **9 May 2026 (Europe day):** The National Assembly convenes and [inaugurates Péter Magyar as new Prime Minister](#) of Hungary. He promises a "change of system" after new revelation and allegations of corruption against the former ruling Fidesz party have come to light. Ministers of the new government tell media outlets that those guilty of financial crimes will be held accountable and a new "office to recover stolen assets" will be set up.
- **25 May 2026:** In an [article on *Verfassungsblog*](#), Professors *John Morijn* and *Kim Lane Scheppele* stress that restoring the rule of law cannot take place in a short space of time and that unfreezing EU funds is impossible without "insisting that EU law must be respected so that EU monies will only be released if and when laws are on the books that are actually being applied". The authors point out that elections that bring about pro-democratic change can be influential to the rule-of-law conditionality, but lessons must be learned from Poland, where the Commission acted too speedily to unfreeze funds after Poland's 2023 election.
- **26 May 2026:** Following the change of government, the Hungarian delegation provides an update on the current status of the ongoing proceedings under Article 7(1) TEU concerning the state of the rule of law in the country. [At the General Affairs Council meeting](#), the delegation signals its willingness to cooperate closely with the EU to restore standards of the rule of law. Another aim is to secure the release of EU funds amounting to around €10.4 billion that have so far been blocked.
- **29 May 2026:** Commission President *Ursula von der Leyen* [meets](#) new Hungarian Prime Minister *Péter Magyar*. [Von der Leyen emphasises](#) that, with the elections of 12 April 2026, "the Hungarian people chose democracy. They chose to return to the heart of our Union". The Commission and Hungary will concentrate on four issues in order to restore the rule of law: (1) Structural reforms, which are much needed to fight corruption and state capture in Hungary; (2) investments for the revised NextGenerationEU plan; (3) progress on the super milestones with regard to Cohesion funds; (4) protection of fundamental rights, notably academic freedom. Von der Leyen announced that €10 billion from the RRF and €6.4 billion in Cohesion Fund can be unlocked for Hungary, provided that the necessary reforms are implemented.

- **2 June 2026:** In a [contribution on European Law Blog](#), Legal Advisor *Gábor Spuller* analyses the reform process in Hungary initiated by new Prime Minister *Péter Magyar* and his new Minister of Justice, *Márta Görög*. He concludes that the Commission would make an error by unblocking EU funds if it measures only whether violations stop, rather than whether institutional independence is being rebuilt on transparent, accountable foundations.
- **4 June 2026:** Having filed charges against the organisers of the Budapest and Pécs Pride marches in [February](#), the prosecution services [drop the charges](#). This brings to an end the legal dispute that began when the government of *Viktor Orbán* cracked down on public demonstrations related to LGB-TQI issues in 2025. Human rights organisations welcome the step as a restoration of the fundamental right to freedom of assembly.
- **15 June 2026:** Following Prime Minister *Péter Magyar*'s announcement on election night that high public officeholders would be replaced in accordance with rule-of-law standards, the HHC publishes a [background paper](#) outlining the criteria that, based on international and EU law, must be taken into account for such replacements. The paper also details the specific legal solutions regarding the three most relevant public offices for rebuilding the rule of law: the President of the Republic, the President of the Kúria and the Constitutional Court Justices.
- **16 June 2026:** As part of the Article 7(1) TEU procedure, the [General Affairs Council receives an update](#) on the current situation regarding the rule of law in Hungary. The Hungarian delegation provides an update on their plans and the concrete steps they are taking to address the concerns raised in the reasoned proposal, the subsequent interim reports by the European Parliament, and the concerns raised by Member States during numerous hearings held at previous Council meetings. The Commission also informs ministers of the progress of discussions with Hungary regarding the three conditionality tracks and the related reforms and remedial actions. A decision to close the procedure is not taken.
- **23 June 2026:** Following the change of government in Hungary, the [Visegrad Group is being revitalised](#). For the first time in over two years, the heads of state and government of Hungary, Poland, the Czech Republic and Slovakia met again in Gödöllő (Hungary). In their joint statement, they mark the 35th anniversary of the signing of the Visegrad Declaration and reaffirmed the Visegrad Group as a key platform for regional dialogue and cooperation. The countries intend to coordinate their positions more effectively ahead of EU summits in future and to cooperate more closely on issues such as the next long-term EU budget (safeguarding cohesion and agricultural funding), migration, and industrial competitiveness.
- **10 July 2026:** The Commission adopts a decision [confirming Hungary's participation](#) in the European Public Prosecutor's Office (EPPO) → [eucrim news of 17 July 2026](#) with more details. This is a historic step as the new Hungarian government reverses the steadfast refusal to join the independent EU anti-fraud body by the previous *Orbán* administration.
- **13 July 2026:** The Hungarian National Assembly enacts the [17th amendment to the Fundamental Law](#). Being conceived as a transitional legislative package designed to dismantle Orbán-era institutional setups, the amendments [include, inter alia](#): instant termination of the mandate of the President of the Republic (*Tamás Sulyok*); reintroduction of a 70-year age limit for Constitutional Court (CC) justices resulting in the termination of the mandates of four justices as of 1 September 2026; restoration of the CC's full thematic jurisdiction and its right to elect its own president; reduction of the length of the mandates of various public officeholders; introduction of new rules governing the election and termination of the mandates of judicial leaders; limitation of the mandates of members of Parliament to three terms (12 years); reduction of the number of laws requiring a two-thirds majority for adoption; and establishment of a new authority tasked with the recovery and protection of state assets (see also above).

- **17 July 2026:** The Commission releases its 2026 Rule of Law Report. In the [country chapter on Hungary](#), the Commission acknowledges that the new Hungarian government "has engaged in intense reform efforts to restore the rule of law". The report positively highlights Hungary's decision of May 2026 to join the EPPO (see above) and progress made in anti-corruption measures, asset declarations and the work of the Integrity Authority. Despite progress in several areas, the Commission sees continuing shortcomings that must be addressed by Hungary. An example is the low rate of prosecutions and final judgments for high-level corruption cases.
 - **11 August 2026:** Based on the 17th amendment to the Fundamental Law (see above), [András Barka is elected as the new President of Hungary](#). While the opposition Fidesz and KDNP parliamentary groups boycotted the election, Barka received 140 votes from members of Parliament, counting on the two-thirds majority of the ruling Tisza party. As a renowned legal scholar, Barka was also a judge at both the ECtHR and Hungary's Supreme Court. His election renews hopes that the new president will support *Peter Magyar's* government in its efforts to restore the rule of law in Hungary.
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