

MEPs Dissatisfied with Progress in Rule-of-Law Procedures against Poland and Hungary

Thomas Wahl

In a [resolution of 5 May 2022](#), the European Parliament (EP) reiterated its dissatisfaction with the progress of the ongoing Article 7 TEU procedures against Poland and Hungary. The resolution – adopted with 426 to 133 votes (and 37 abstentions) – calls on the Council to show “genuine commitment” to make “meaningful progress” in the Article 7(1) TEU procedures. Although MEPs welcome the resumption of the hearings on both procedures against Poland and Hungary by the French Council Presidency, several critical points are raised and the Council is called on to do the following:

- Organising the hearings regularly and at least once per presidency;
- Addressing new developments, including those related to violations of fundamental rights;
- Publishing comprehensive minutes after each hearing and providing Parliament with a proper debriefing;
- Conducting the hearings in an objective, fact-based and transparent way;
- Following up to the hearings by addressing concrete recommendations to the Member States in question. In the light of the rapid deterioration of the situation in both countries, a swift adoption of such deadlines and the stipulation of clear deadlines for their information is urgently needed.

In the latter context, MEPs stressed their view that unanimity is not required in the Council when it comes to identifying a clear risk of a serious breach of Union values under Article 7(1) or to addressing concrete recommendations to the Member States.

The Commission is called on to make full use of all tools available to address breaches by Poland and Hungary of the values set out in Art. 2 TEU, on which the Union is founded, in particular expedited infringement procedures and applications for interim measures before the CJEU, as well as the Rule of Law Conditionality Regulation. The Commission should also initiate proceedings against Poland under the Rule of Law Conditionality Regulation, as it has done with Hungary (→ [eucrim 1/2022, 24](#)). In addition, the Commission and the Council should not approve the national plans of Poland and Hungary under the Recovery and Resilience Facility (→ [eucrim 3/2021, 151](#)) until both countries have fully complied with all European Semester country-specific recommendations in the field of the rule of law and until they have implemented all the relevant judgments of the CJEU and the ECtHR.

Lastly, the resolution calls on the Council and the Commission to enter into talks on an EU mechanism on democracy, the rule of law and fundamental rights (DRF), as proposed by Parliament (→ [eucrim 2/2020, 69-70](#)).

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