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Main rule of law developments regarding Hungary since the triggering of the Conditionality Regulation

12 September 2022

27 April 2022 – The European Commission sent a written notification to Hungary pursuant to Article 6(1) of the Conditionality Regulation. The notification presented the findings of the European Commission regarding the serious systemic irregularities, deficiencies and weaknesses in public procurement procedures, the limitations to effective investigation and prosecution of alleged criminal activity, the organisation of the prosecution services, and the absence of a functioning and effective anti-corruption framework in practice. The notification was not made public, and attempts by the NGO K-Monitor to access it via a freedom of information request were [unsuccessful](#).

6 May 2022 – It was reported that the concession tender launched by the Government for motorway construction and maintenance for 35 years (potentially in violation of the EU Directive on Concessions) had been won by a consortium linked to Lőrinc Mészáros, a businessman with close ties to the Prime Minister.

23 May 2022 – The Council held its fourth hearing in the procedure initiated under Article 7(1) TEU in relation to Hungary in 2018, with the aim to determine whether there is a clear risk of a serious breach by Hungary of the values referred to in Article 2 TEU.

24 May 2022 – The governing majority in the Hungarian Parliament adopted the [10th Amendment to the Fundamental Law](#), which authorised the Government to declare a “state of danger” in the case of an “armed conflict, war or humanitarian disaster in a neighbouring country”. Accompanying legislation adopted the same day allowed the Government to keep its excessive regulatory powers acquired first with a view to the pandemic, providing it with yet another *carte blanche* mandate to override Acts of Parliament via emergency decrees in a state of danger. The Government made use of the possibility to declare the new type of state of danger instantly, as of 25 May, essentially using the war in Ukraine as a pretext to keep its excessive regulatory powers, and preserve a “rule by decree” system. In a decree issued on 26 May, the Government reintroduced 36 decrees it had originally adopted during the state of danger declared due to the pandemic, one of which enables public authorities to prolong at will the response deadline of freedom of information requests from 15 days to 45 days without having to give any substantial explanation.

25 May 2022 – The President of the Kúria (Hungary’s supreme court) submitted a [request](#) to the Constitutional Court to annul the new Code of Ethics of judges, adopted by the National Judicial Council (the self-governing body of judges), in another attempt to limit the freedom of expression of judges in connection with governmental and administrative measures affecting the judiciary.

8 June 2022 – The Parliament adopted the [Fourth Authorization Act](#), removing parliamentary oversight over individual emergency government decrees issued under the current “state of danger”.

17 June 2022 – The State Audit Office started to apply Hungary’s [second anti-NGO law](#), Act XLIX of 2021 on the Transparency of Organisations Carrying out Activities Capable of Influencing Public Life, and began checks on dozens of NGOs, asking for accounting and cash management policies.

21 June 2022 – MPs of the governing parties submitted a Bill that, as demonstrated by to K-Monitor, [hollows out](#) the laws on the asset declaration of MPs. The Bill was adopted on 19 July.

27 June 2022 – The Minister of Justice sent a reply to the EC’s notification under the Conditionality Regulation. By letters of 30 June and 5 July, the Minister of Justice submitted further information to complement the reply. None of these replies have been made public by the Government.

15 July 2022 – Hungary’s “oil giant” [MOL publicly announced](#) that it had won the concession tender issued by the Government for the management of communal waste. The MOL company was the single bidder in that process, and, as a consequence, all communal waste management duties will be covered by the MOL company for a period of 35 years commencing 1 July 2023.

15 July 2022 – The Government issued Resolution No. 1337/2022. (VII. 15.), aiming to set up an anti-corruption taskforce by mid-September. However, no steps have been taken to actually set up the taskforce, and the Government Resolution was repealed on 5 September.

19 July 2022 – The Government submitted two Bills to the Parliament: Bill T/705 aims to amend the rules of public consultation on draft laws prepared by Ministers, while Bill T/706 aims to amend the Code of Criminal Procedure in an attempt to address legal shortcomings stemming from the lack of judicial remedy in cases where the prosecution service fails to indict. Both bills claim to have been prepared “in the interest of reaching an agreement with the European Commission”, presumably related to the ongoing negotiations between the European Commission and the Government regarding the conditions for Hungary’s access to the EU’s Recovery and Resilience Facility. The bills were introduced to the Parliament without any prior public or expert consultations, and, as pointed out by NGOs, the proposed amendments are [insufficient](#) and [do not offer real solutions](#). The bill to strengthen public consultation was submitted just days after the Parliament, upon the Government’s proposal, essentially abolished a special tax scheme without any prior public consultation, affecting masses of Hungarian citizens and leading to demonstrations.

20 July 2022 – Commissioner Hahn submitted a [communication](#) to the European Commission in the framework of the application of the Conditionality Regulation in relation to Hungary about the intention to make a proposal for an implementing decision on the appropriate measures to the Council.

14 August 2022 – The Guardian [reported](#) that in June 2022, the wife of the President of the Kúria was appointed to a senior judicial job, to lead a judicial panel at Budapest’s appellate court which rules, among others, in politically sensitive cases of libel and defamation, despite getting fewer than half of the votes compared to her rival candidate from her peers. In the same news piece, senior judge Csaba Vasvári, member and spokesperson of the National Judicial Council, said that the Government had been “constantly overreaching” its authority to sway the courts. As a consequence, he has been targeted by the government-friendly media.

23 August 2022 – According to a Facebook post by Minister of Justice Judit Varga, the Hungarian Government has submitted its response to the Commission regarding the financial conditionality mechanism. Next day, the Minister overseeing the Prime Minister’s Office, Gergely Gulyás, [confirmed](#) that after an intensive month of negotiations with the Commission, a common position has been reached on all the proposals, and that at least ten bills would be submitted to Parliament in the context of the financial conditionality mechanism. However, at the time of writing (12 September) not even the subject of these bills is public, let alone their exact content (apart from the creation of a new Anti-Corruption Authority and the development of a procurement performance assessment framework: both were proposed on the 5th September by government resolutions.)

4 September 2022 – The Hungarian Helsinki Committee [reported](#) that data it had obtained via a freedom of information request showed that the President of the Kúria circumvented rules in order to unlawfully appoint a number of judges, including a former state secretary with no judicial experience, to Hungary’s top court.

5 September 2022 – The Government issued two resolutions related to the anti-corruption framework. By Government Resolution No. 1424/2022 (IX. 5.), the Government undertook to create an independent authority which is called to take action when the competent authorities have failed to act to protect EU funds, and to set up a so-called new Anti-Corruption Working Group with a parity of participation between governmental and non-governmental stakeholders. By Government Resolution No. 1425/2022. (IX. 5.), the Government undertook to develop a performance measurement framework to assess the efficiency and cost-effectiveness of public procurement procedures. K-monitor, TI Hungary and the Hungarian Helsinki Committee issued [a joint assessment](#) of the resolutions.