

Rule of law in Poland and Hungary has worsened

- More regular and structured hearings needed, followed by concrete recommendations
- Parliament wants to be formally involved in hearings with national authorities
- Call for an EU permanent mechanism on democracy, rule of law and fundamental rights

The EU's discussions with Poland and Hungary have not yet led these countries to realign with the EU's founding values, Parliament warned on Thursday.

In a resolution adopted with 446 votes to 178 and 41 abstentions, MEPs note that reports and statements by the Commission, the UN, OSCE and the Council of Europe indicate that “the situation in both Poland and Hungary has deteriorated since the triggering of Article 7(1)”.

MEPs point out that the hearings organised by the Council under [Article 7 of the Treaty](#) are neither regular nor structured. They call on the Council to address concrete recommendations to the countries concerned, including deadlines, to ensure EU law is respected.

“The failure by the Council to make effective use of Article 7 continues to undermine the integrity of common European values, mutual trust and the credibility of the European Union as a whole”, claims the EP.

The text also urges the Commission to use all tools at its disposal to prevent a serious breach of common values, such as expedited infringement procedures and applications for interim measures before the Court of Justice.

EP's role in Article 7 hearings

MEPs complain that they have not been allowed to participate in the hearings, particularly when it was Parliament that initiated the Article 7 proceedings. They insist that the Parliament should be given the opportunity to formally present its reasoned proposal to the Council.

EU mechanism on democracy, rule of law and fundamental rights

Finally, the resolution underlines the “imminent need” for an EU mechanism on democracy, the rule of law and fundamental rights, [as proposed by the Parliament](#). This should be an annual independent review which assesses, on an equal footing, the compliance of all member states

with the values stipulated in [Article 2 of the Treaty](#).

Background

In September 2018, [Parliament demanded that the Council act](#) to prevent the Hungarian authorities from breaching the EU's founding values. MEPs were chiefly concerned about judicial independence, freedom of expression, corruption, rights of minorities, and the situation of migrants and refugees.

In the case of Poland, the [European Commission requested EU action in December 2017](#) in view of the perceived threats to the independence of the judiciary. In a [resolution adopted in March 2018](#), the European Parliament agreed with the Commission on the risks to the rule of law in Poland.

According to [Article 7 of the Treaty](#), following these requests, the Council may determine that there is a clear risk of a serious breach of EU values in the concerned countries. This could eventually lead, at a later stage, to sanctions, such as voting rights being suspended in the Council.

EU ministers have held two hearings with the Hungarian government, in September 2019 and December 2019, while the Polish authorities have defended themselves in front of the Council on three occasions, between June and December 2018.

Further information

[Adopted text \(16.01.2020\)](#)

[Video recording of debate on Hungary \(15.01.2020\)](#)

[Video recording of debate on Poland \(15.01.2020\)](#)

[European Parliamentary Research Service "Protecting the rule of law in the EU: Existing mechanisms and possible improvements"](#)

[Rule of law concerns in member states: how the EU can act \(infographic\)](#)


[EP Multimedia Centre: free photos, video and audio material](#)


[Committee on Civil Liberties, Justice and Home Affairs](#)


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