

Brussels, 11 January 2012

Statement of the European Commission on the situation in Hungary on 11 January 2012

Following developments in 2011 related to the new Hungarian Constitution and the commitments taken by the Commission at that time to closely monitor the situation, the Commission has been working with the Hungarian authorities over recent months during the preparation of the draft cardinal laws implementing the new Constitution. The Commission has raised concerns on the compatibility of these laws with European Union law. These concerns were expressed in December in letters sent by President Barroso and Vice-Presidents Reding, Kroes and Rehn.

A number of the cardinal laws were subsequently adopted by the Hungarian Parliament on the 30th December. As guardian of the Treaties, the Commission remains preoccupied that a number of the new provisions may violate EU law. The Commission received the adopted texts of the cardinal laws from the Hungarian authorities ten days ago. Work to analyse the final versions of the laws and their compatibility with EU law began immediately, and the Commission is now in the final stage of this analysis.

Without prejudging the final outcome of this analysis, the Commission is committed to fully use all its powers to analyse the compatibility of national law with EU law and reserves the right to take any steps that it deems appropriate, namely the possibility of launching infringement procedures pursuant to Article 258 of the Treaty.

Concerns relate to a number of issues, including

- the independence of the national central bank;
- measures concerning the judiciary and in particular mandatory early retirement of judges and prosecutors at the age of 62 instead of 70;
- the independence of the national data protection authority.

The Commission services will finalise their legal analysis in the next days. This will allow the College, based on a sound legal assessment, to take appropriate decisions at its next meeting on 17 January.

The Commission stands ready to make full use of its prerogatives to ensure that Member States respect the obligations they have accepted as Members of the European Union.

More generally, the Commission recalls that a legally stable environment, based on the rule of law, including respect of media freedom, democratic principles and fundamental rights, is also the best guarantee for citizens' trust and confidence of partners and investors. This is particularly vital in times of economic crisis. The swiftest way to lay to rest the concerns mentioned would of course be action by the Hungarian authorities themselves.