



Brussels, 23 April 2023

Dear Commission President,

We are turning to you to express our deep concerns regarding the latest legislative developments in Hungary. We believe these will further contribute to undermining the values enshrined in the Article 2 TEU, and to the deterioration of the rule of law, fundamental rights and democracy.

We are particularly concerned about the **draft law on the legal status of those employed in public education and the amendment of certain related laws** (known as Status Law), which would drastically restrict the fundamental rights of the teachers, their freedom of expression, exceedingly decrease their professional autonomy and drastically curtail their labor rights including their right to strike. It could, among others, limit them in expressing, both within and outside of the workplace, opinions that are critical of the incumbent Government's certain ideological convictions. It would allow the employer to monitor those electronic devices of teachers that they use for teaching, even if the device is not provided by the employer. This will severely affect not only more than 100.000 teachers, but also the right to quality education of more than 1.3 million children.

Furthermore, on 11 April 2023, the Hungarian Parliament adopted new legislation aiming to **update the 2013 Whistleblower Protection Act and to implement the Directive 2019/1937 on the protection of persons who report breaches of Union law** which will allow citizens to report activities going against the Hungarian way of life and the Fundamental Law, including activities violating the “constitutionally recognised role of marriage and the family”. We consider these provisions, once implemented, pose a serious threat to the rights of LGBTIQ people and to freedom of expression.

We believe that beyond the general duty of the Commission to ensure that the Treaties are upheld, it should also take into account that Hungary breaches several commitments it has taken vis-a-vis Union institutions with these measures and does not seem to act in sincere cooperation.

In particular:

- Hungary has committed to to fulfill the relevant Country Specific Recommendation of the European Semester as enshrined in Council Recommendation of 12 July 2022 on the 2022 National Reform Programme of Hungary and delivering a Council opinion on the 2022 Convergence Programme of Hungary (in particular, to improve education outcomes and to improve the quality and transparency of the decision-making process through effective social dialogue. Under no circumstance can the draft Status Law be deemed to contribute towards those aims with a public consultation of 6 working days for a text of 97 pages. Therefore we strongly believe it is no longer possible to meet milestone and target *C1.R3 (“Improve the attractiveness of the teaching profession”)* foreseen in the annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Hungary. The procedure furthermore clearly violates the commitments made under super milestone *C9.R27 (“Improving the quality of law-making*



Group of the Progressive Alliance of
Socialists & Democrats
in the European Parliament

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*and effective involvement of stakeholders and social partners in decision-making”). **In our view, it clearly makes it impossible to give a positive assessment of the first payment request under the Recovery and Resilience Plan.***

- The Commission furthermore deemed that the enabling conditions related to academic freedom in the Common Provisions Regulation have not been met. In our view the new initiatives represent a clear deterioration of academic freedom and should be also considered in the scope of the enabling conditions. We call, in particular, for the suspension of payments under the ESF+ Program, given that Hungary has not fulfilled the specific consultation commitments in the program as regarding the reform of remuneration of teachers, including the meaningful consultation with trade unions.
- On 12 September 2018, the European Parliament triggered the Article 7(1) TEU procedure towards Hungary, based on concerns in 12 areas, among them, freedom of expression and the right to equal treatment. On 15 September 2022, the European Parliament condemned once again the deliberate and systemic efforts of the Hungarian government to undermine the founding values enshrined in Article 2 TEU. As the rule of law, fundamental rights and democracy situation substantially worsened since the triggering of Article 7(1) TEU, **we strongly believe it is urgent for the Council to adopt recommendations in the framework of this procedure, and count on your support to move forward in this direction.**
- As the European Commission has just referred the Hungarian government to the Court of Justice for failing to transpose Directive 2019/1937 and over violations of LGBTIQ rights, **we are calling you to use all tools at your disposal as soon as possible.** In particular, it would be necessary to verify if the transposition measure fully complies with the Charter and the notion of a whistleblower.

Equality, human dignity and fundamental rights are the core of the founding of the EU, and we trust your commitment to take effective action when a Member State deliberately breaches these EU values.

Yours sincerely,

Terry Reintke and Philippe Lamberts
Co-Presidents of the Greens/EFA Group

Manfred Weber
President of the EPP Group

Iratxe Garcia Pérez
President of the S&D Group

Stéphane Séjourné
President of the Renew Europe Group

Manon Aubry and Martin Schirdewan
Co-Presidents of The Left Group



Annex:

Opinion of K-Monitor, Transparency International Hungary and Hungarian Civil Liberties Union on the law transposing the Directive 2019/1937 on the protection of persons who report breaches of Union law: https://transparency.hu/wp-content/uploads/2023/03/KMon_TASZ_TI_Hu_bejelentovedelem_elemzes_230317.pdf

Opinion of the Hungarian Helsinki Committee on the draft Status Law: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/03/HHC_Hungary_teachers_23032023.pdf

Transcript of the legislation aiming to update the 2013 Whistleblower Protection Act and to implement the Directive 2019/1937 *on the protection of persons who report breaches of Union law*.

Notifications that may be submitted in order to achieve a higher level of protection of the fundamental values and rights enshrined in the Fundamental Law and in the public interest of protecting the Hungarian way of life

§ 50 The following may be reported in the internal abuse reporting system and the separate abuse reporting system:

- a) activities aimed at questioning the fact, as declared in the National Creed of the Fundamental Law, that the nationalities living with us are part of the Hungarian political community and are state-building factors,
- b) systematic activities to exonerate the crimes committed under the National Socialist and Communist dictatorships and to belittle these crimes and the crimes under Article U) of the Fundamental Law, as referred to in the National Creed of the Fundamental Law,
- (c) the act of obstructing the veneration and use of our national emblems, as provided for in Article I) of the Fundamental Law,
- (d) the violation of the rights protected by Article L and Article XVI(1) of the Fundamental Law
 - (da) the constitutionally recognised role of marriage and the family,
 - (db) the protection and care necessary for the proper physical, mental and moral development of children and the questioning of their right to a proper identity according to their sex at birth.