

Ursula von der Leyen  
President of the European Commission

CC:  
Frans Timmermans  
Executive Vice-President of the European Commission

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Commissioner Jobs and Social Rights

Letter sent by e-mail :  
[ec-president-vdl@ec.europa.eu](mailto:ec-president-vdl@ec.europa.eu)

Dear President von der Leyen,

I am writing to you to express our grave concern about the legislation passed in Hungary on 31 March.

While it is clear the coronavirus brings extraordinary challenges, checks and balances and democratic norms need to be kept in place. The new statute adopted goes well beyond the emergency statutes passed just about everywhere in Europe during the present crisis or indeed in any EU country ever. Amid the pandemic, Member States throughout the EU have limited standard civil liberties, but they are checked by critical legislatures and have explicit, short-term timeframes. The legislation passed yesterday in Hungary contains none of the necessary safeguards and creates the first non-democratic country in the EU. This is contrary to the values that the EU is based on and in breach of a number of obligations Hungary has under international (UN, ILO) and European (Council of Europe) human rights instruments, in particular the European Convention of Human Rights (ECHR).

This new law offers Prime Minister Orban the opportunity to extend the state of emergency for an indefinite period of time, without requiring the consent of Parliament and, through the special decrees, suspend certain laws and take exceptional measures to guarantee “public health, the safety of citizens and the economy”. Also, the new law introduces prison terms of up to five years for anyone publicising false information that alarms the public or impedes government efforts to protect people. The latter will bring in particular independent journalists or human rights defenders like trade unions and NGOs, who have often already been accused in the by the government for their “unloyal” stands.

ETUC would also like to draw your attention to the fact that this new demarche by the Hungarian government has already strongly condemned by the [Secretary General of the Council of Europe](#), the main European human rights organisation, and with which is the EU is currently in renewed negotiations to accede to the ECHR and it also hopes to more strongly cooperate in order to strengthen the EU rule of law mechanisms.

The ETUC urges you to fully back Article 7 proceedings and to launch urgent actions to challenge the emergency law before the EU Court of Justice.

Moreover we call on you to immediately increase scrutiny of the use of EU funding by Hungary and ensure that no EU funding can be misused or used to reinforce the democratic deficit.

We draw also your attention to other changes that bring Hungary into breach of duties under EU Directives in particular the measures that concern the change of the Labour Code "to make employment regulations more flexible, in order to facilitate future agreements between employers and employees." The new measure states that amongst others that "the employee and the employer may deviate from the provision of the Labor Code by separate agreement" and which comes down to an attempt to basically eliminate the entire Labor Code and autonomous collective bargaining/agreements, which is unacceptable specially in such circumstances! By this move, the provisions of the Labour Code also render EU employment rights vulnerable to being breached in whole or in part. All these measures have been made by the government without any consultation of social partners. This is contrary to the obligations Hungary has amongst others under ILO Conventions 87 and 98 as well as the relevant articles of the Council of Europe European Social Charter.

The ETUC thus also considers the need for an investigation as a matter of urgency into what amounts to a manifest invitation to employers to breach EU employment rights.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Luca Visentini', written in a cursive style.

Luca Visentini  
General Secretary