

MEMBER OF PARLIAMENT

Independent Motion of Members of Parliament

**Resolution No. .../2013 (...)
of Parliament
on the Right of Hungary to Equal Treatment**

1. We, Hungarians joined the family of the European peoples more than a thousand years ago by virtue of the foundation of the State and the adoption of Christianity.

We, Hungarians have often stood up and fought for European values. There were times when we defended these values against external attacks with our blood. In 1956, we took up arms against the communist dictatorship. In 1989, we made our fair share of contribution to the reunification of Europe by tearing down the iron curtain.

We, Hungarians joined the European Union of our own free will.

We did so in the hope that we shall join a community that is based on the foundations of law, justice and freedom.

We, Hungarians do not want a Europe again where freedom is restricted, rather than extended. We do not want a Europe where larger counterparts abuse their power; where the sovereignty of nations is violated and where only the smaller nations must respect the bigger ones.

We had enough of dictates during the 40 years we spent behind the iron curtain.

We, Hungarians have always respected the dialogues that the duly authorised institutions of the European Union initiated and have always been ready to embrace agreements conceived in the spirit of reason.

Therefore, we rightfully expect the institutions of the European Union to manifest the respect and equal treatment that Hungary is entitled to.

We expect the European Union to honour and respect all our rights which are our due also after our accession; the same as all other Member States.

The Hungarian Parliament voices its surprise in the wake of the fact that the European Parliament has adopted a decision which it had no right to adopt, and by virtue of which the European Union extends beyond its powers. It arbitrarily defines requirements, arbitrarily introduces new procedures and creates new institutions which stand in violation of Hungary's sovereignty guaranteed in the EU Treaty.

By doing so, the European Union goes against the European values and guides the European Union onto a dangerous path.

It further gives rise to concern that there are business interests behind the abuse of power that Hungary is a victim of.

Hungary is reducing the price of household energy consumed by Hungarian families. This may infringe the interests of several large European corporations which, by exploiting their monopolistic situation, have generated excessive profits in Hungary for many years. It is unacceptable that the European Parliament should attempt to exert pressure on our country in the interest of large private businesses.

The Hungarian Parliament believes it is a major threat to the whole of Europe if the interests of business groups are enforced in the European Union unchecked and may overwrite the rules laid down in the Treaty.

On the present day, we are adopting a resolution to defend Hungary's sovereignty and the equality of the Hungarian People in Europe.

We hereby call upon the Government of Hungary not to yield to the pressure of the European Union, not to allow the curtailment of the country's rights guaranteed in the Treaty and to continue to pursue its policy of making life easier for Hungarian families.

2. This Resolution of Parliament shall enter into force on the day following its publication.

Reasoning

Electors in Hungary decided in favour of Hungary's accession to the European Union with an overwhelming majority at the referendum held on 12 April 2003. Hungary has been a full member of the European Union since 1 May 2004. By virtue of its accession, the Hungarian State acquired rights and undertook obligations that arise from its membership, As Article E)(1) of Hungary's Fundamental Law lays down, "In order to enhance the liberty, prosperity and security of European nations, Hungary shall contribute to the creation of European unity." Pursuant to Article E)(2), "With a view to participating in the European Union as a member state, Hungary may exercise some of its competences arising from the Fundamental Law jointly with other member states through the institutions of the European Union under an international agreement, to the extent required for the exercise of the rights and the fulfilment of the obligations arising from the Founding Treaties."

Therefore, the limit to the exercise of competences jointly with other Member States, through the institutions of the European Union, is the extent required for the exercise of the rights and the fulfilment of the obligations arising from the Founding Treaties. The right of constitutional legislation is the sole and exclusive right of the national legislature in all Member States of the European Union. Based on Article 3(6) of the Treaty on European Union, "The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties." Pursuant to Article 4(1), "competences not conferred upon the Union in the Treaties remain with the Member States". Therefore, in all instances where any of the institutions of the European Union intervenes in issues related to constitutional legislation, it exceeds the powers conferred upon it which the institutions of the European Union are entitled to exercise jointly with the Member States.

The Tavares Report adopted by the European Union simultaneously constitutes a gross withdrawal of powers and the exceeding of competences. It represents a withdrawal of powers because the guardian of the Treaties is not the European Parliament but the Commission, and therefore, from among the institutions of the European Union, it is the European Commission that is authorised to proceed in all instances when the European Union or any of its institutions presumes that any national legislation stands in violation of Community law. It also entails an exceeding of competences because the report includes a number of findings which solely constitute the subject-matter of national legislation and, in particular, because it creates an institution for the investigation of presumed Community law violations which does not exist under the Founding Treaties.

Hungary took part in the creation and passage of the Lisbon Treaty, that entered into force on 1 December 2009, as a full member. Article 48 of the Treaty on European Union clearly stipulates that any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of the Treaties regulating the functioning of the European Union. These proposals are submitted to the European Council by the Council composed of the Heads of State or Government of the Member States, and the national Parliaments are notified simultaneously. If the European Council adopts a decision in favour of examining the proposed amendments, the President of the European Council convenes a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. At

the end of the procedure comprised of a number of stages, the core treaties of the European Union may only be amended if the amendments are ratified by all the Member States in accordance with their respective constitutional requirements. Article E(4) of the Fundamental Law of Hungary requires to this end the two-third majority vote of all Members of Parliament.

The European Union did not even submit an initiative for the establishment a new EU body for the examination of the fulfilment of the Copenhagen criteria; therefore, a report without any binding legal force cannot possibly substitute for the procedure set forth in Article 48 of the Treaty on European Union.

The Tavares Report approved by the European Parliament does not only contain untrue and insulting claims about Hungary but also grossly violates Community law when it delegates competences not conferred upon the European Union to a body that does not exist under the Treaties. By proceeding within its own competence, the Hungarian Parliament wishes to draw the attention of Hungarian and European public opinion with this resolution to this uniquely blatant example of the arbitrary abuse of power and infringement of Community law contrary to national sovereignty, also with regard to the principle of subsidiarity.

MEMBER OF PARLIAMENT

Attention **László Kövér**
Speaker of Parliament

To be delivered locally

Honourable Speaker,

Based on Section 28(4) of Act XXXVI of 2012 on Parliament, we hereby submit the following Resolution of Parliament “**on the Right of Hungary to Equal Treatment**”.

Budapest, 4 July 2013

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Antal Rogán
Fidesz – Hungarian Civic Union

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Dr Gergely Gulyás
Fidesz – Hungarian Civic Union

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Dr Máté Kocsis
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