(English version)

Question for written answer E-004168/25
to the Commission
Daniel Freund (Verts/ALE)
(22 October 2025)

Subject: Constitutional states of exception: Hungary

The Hungarian Government has been ruling under a state of emergency without interruption since 2015, including using its strongest form, the so-called 'constitutional state of emergency' for ever-changing reasons for more than 1 900 days. This measure enables Hungarian Prime Minister Viktor Orbán's government to act largely without parliamentary oversight, thereby undermining the principles of democracy and the rule of law enshrined in the EU Treaties.

1. Is the Commission aware that this prolonged state of emergency effectively suspends the separation of powers in Hungary and results in a serious erosion of democratic institutions, and for how long is it willing to accept this?

2. Does the Commission consider that such a situation is compatible with EU law, in particular with the values laid down in Article 2 of the Treaty on European Union?

3. What concrete steps does the Commission intend to take to ensure that the fundamental democratic principles and institutional checks and balances are restored and upheld in Hungary?

Submitted: 22.10.2025

Answer given by Mr McGrath on behalf of the European Commission
(5 January 2026)

Since 2020, the Commission has reported on Hungary's 'state of danger' in its annual Rule of Law Report. As outlined in the 2025 edition, the Fifteenth Amendment to the Fundamental Law will change the constitutional rules on the 'state of danger' from 1 January 2026 onwards and will notably strengthen parliamentary control.

The report also notes that the Government continues to use its emergency powers extensively, undermining legal certainty and affecting the operation of businesses in the single market. Several emergency measures have an impact on the business environment and do not seem to be related to the 'state of danger'. The Commission has launched a number of infringement proceedings in relation to certain emergency measures ([1]).

In addition, on 8 July 2025, in the context of the European Semester, the Council — following the Commission's recommendation — adopted country-specific recommendations, recommending that Hungary take action in 2025 and 2026 to improve the regulatory framework by reducing the use of emergency measures to what is strictly necessary, in line with the principles of the single market and the rule of law.

([1]) See, for example, Cases C-499/23, C-144/24 and C-521/25. For emergency measures in the field of asylum see Case C-823/21.