

# Remarks of First Vice-President Frans Timmermans after the College discussion on legal issues relating to Hungary

The College today discussed the important issues of managing migration and our internal security. Dimitris Avramopoulos and Vera Jourova will be in the press room shortly so I won't dwell on these points.

I just want to underline the importance of the Communication we have adopted on children in migration, which sets out the urgent actions needed to reinforce the protection of children in migration.

The aim is to ensure coordinated and effective protection of all migrant children at all stages of the process, so that the best interest of the child is always put first. Dimitris and Vera will explain in more detail what we are proposing.

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At Jean-Claude Juncker's initiative – and I very much welcome that – the College also discussed today a wide range of legal issues relating to Hungary.

Recent developments have led to publicly-voiced concerns from a wide range of stakeholders inside and outside the EU. Questions have been asked about the compatibility of certain actions of the Hungarian authorities with EU law and with our shared values.

Today's discussion allowed us to collectively take stock of the issues at hand, in an objective, facts-based and law-based manner.

The College will take decisions on some of the points discussed later this month. The Commission also decided today that it will prepare and make public its own response to the Hungarian Government's 'Stop Brussels' consultation.

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The recently adopted Higher Education Law is troubling many people in Europe's academic community, as well as politicians across Europe and beyond. It is perceived by many as an attempt to close down the Central European University.

President Juncker said very clearly earlier this week that he does not like this decision

My colleague Carlos Moedas expressed concern in a statement last week that the law might restrict scientific and academic freedom of thought, and our

common values of openness, and that it might damage Hungary's academic reputation and relationship with EU partners.

Universities must be places where free thinking and diversity of opinions are cherished and nourished.

As Tibor Navracsics said last week, the Central European University is one of the most important universities not only in Hungary, but in the European Higher Education Area. I agree with Tibor on the importance of the Central European University being able to operate in Budapest undisturbed.

The College today agreed that where the new Law may touch on EU competences, and may also apply to EEA universities, we need to quickly complete a thorough legal assessment of its compatibility with free movement of services and the freedom of establishment, as well as EU rules on admission of third country researchers.

We will complete this legal assessment as soon as possible and the College will consider next steps on any legal concerns by the end of the month.

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You have also heard from my colleagues Margrethe Vestager and Vera Jourova in this press room in the past week, publicly expressing their concerns about recent developments in Hungary as regards European values.

Our shared European values are set out in Article 2 of the Treaty on European Union.

In our discussion in College, we looked across a range of issues which relate to the respect of these values in Hungary.

The draft legislation tabled last week by members of the governing party on the funding of so-called 'foreign' Non-Governmental Organisations is very much on our radar screen. We will be following it closely.

There can be legitimate public interest reasons for ensuring transparency of funding, but any measures need to be proportionate and must not create undue discrimination within the EU.

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We also spoke in the College about asylum, and respect for the values of human dignity, freedom, respect for human rights, tolerance and solidarity. The Commission has already expressed its concerns about the existing Hungarian law.

The new asylum law adopted by the national parliament at the end of March also raises serious doubts about compatibility with EU law. Dimitris Avramopoulos was in Budapest at the end of last month to raise our concerns and offered to share Commission expertise at technical level to quickly find ways to address these issues.

The College will keep a very close eye on whether timely progress can be made, and will act if we do not see positive developments soon.

As regards the values of equality and non-discrimination, the College continues to be attentive to the situation of the Roma in Hungary, and in particular to the timely resolution of the concerns we have expressed about discrimination against Roma children in education.

The protection of pregnant working women is also an area we have raised formally with the Hungarian authorities and as our concerns remain unanswered, the College will need to consider next steps later this month.

The College will review all these issues closely when it takes the next round of infringement decisions at the end of April.

Wherever individual cases are legally mature and our legal concerns remain unaddressed, we will move to the next steps.

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Respect for the values of Article 2 of the Treaty on European Union applies to Member States more generally, even when they are not acting to implement EU law.

We have seen certain other developments that are relevant to common values such as human rights including human dignity, freedom and equality, and societies which are defined by pluralism, non-discrimination, tolerance, justice, and solidarity.

Today, looking at the broader picture – the overall spirit of Article 2 as well as the substance of the individual laws – the College resolved to use all the instruments at our disposal under the Treaties to uphold the values on which our Union is grounded.

The College unanimously agreed that a broader political dialogue between the Hungarian authorities, other Member States, and the European Parliament and Commission is now warranted.

Thank you very much