

To: Klaus Welle  
Secretary-General of the European Parliament  
Rue Wiertz 60  
1047 Bruxelles  
Belgique

Cc: The Authority for European Political Parties and European Political Foundations  
Rue Wiertz 60, 1047 Brussels (Office PHS 6 C 95)

Cc: Chair of the Committee of independent eminent persons

From: Alberto Alemanno, Jean Monnet Professor of European Union Law, HEC Paris  
Laurent Pech, Jean Monnet Professor of European Union Law, Middlesex University London  
acting on behalf of The Good Lobby

Re: Reasoned request to the European Parliament for verification of EPP's continuing compliance with Article 2 TEU under Article 10(3) of Regulation (EU, EURATOM) No 1141/2014 on the Statute and Funding of European Political Parties and European Political Foundations as amended by Regulation 2018/673

Legal basis: Article 10(3) of Regulation (EU, EURATOM) No 1141/2014 on the Statute and Funding of European Political Parties and European Political Foundations as amended by Regulation 2018/673

London/Paris, 11 September 2018

Dear European Parliament, dear Mr Welle,

We are writing to ask you to lodge with the Authority for European Political Parties and European Political Foundations a request for verification of compliance by the European's People Party (hereinafter: EPP) with the conditions laid down in point (c) of Article 3(1) of Regulation (EU, EURATOM) No 1141/2014 on the Statute and Funding of European Political Parties and European Political Foundations as amended by Regulation 2018/673 (hereinafter: The Regulation).

Under Article 11 of the Regulation, the the Authority shall ask the committee of independent eminent persons established by Article 11 for an opinion on the subject.

It is indeed our submission that there is ample evidence that the EPP has failed to continuously comply with the conditions for registration laid down in Article 3, and in particular Article 3(1)(c), since at least the adoption of the Tavares report in 2013<sup>1</sup>. Since then, the EPP has deliberately and persistently refused to take any concrete action against one of its member parties, Hungary's ruling party Fidesz, notwithstanding

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<sup>1</sup> See European Parliament resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012) ([2012/2130\(INI\)](#))

its systemic and persistent undermining of Article 2 TEU values as recently evidenced inter alia by the Sargentini report<sup>2</sup>.

We would therefore ask you and the Authority to promptly investigate this matter with the view of considering the EPP's possible de-registration as a European political party.

As you are well aware, Article 3 of EU Regulation 1141/2014 conditions the registration of European political parties and their affiliated European political foundations "to observe, in particular in its programme and in its activities, the values on which the Union is founded, as expressed in Article 2 TEU, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities" (see also recitals 12 and 13 of the Regulation).

While the EPP statutes expressly refer to the achievement of free and pluralistic democracy, respect for human rights and the rule of law as one of some of its key official purposes,<sup>3</sup> there is however a substantial body of evidence – which we would find important to share with the Authority upon your request – of EPP leadership encouraging Hungarian authorities, directly or indirectly, rhetorically or via its activities,<sup>4</sup> to continue in their dismantlement of all of Hungary's checks and balances and the creation of what is now routinely described as the EU's first semi-authoritarian regime<sup>5</sup>. In Hungary, public officials belonging to the ruling party are routinely promoting xenophobic views to such an extent that the UN High Commissioner for Human Rights publicly rebuked the Hungarian Prime minister by name.<sup>6</sup>

To visualise Hungary's and Poland's descent into authoritarianism, let us reproduce below two tables from a recent report from Freedom House,<sup>7</sup> a US-based independent watchdog which earlier this year has referred to Turkey and Hungary as two examples of countries "sliding into authoritarian rule":<sup>8</sup>

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<sup>2</sup> See Report on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2017/2131(INL)).

<sup>3</sup> See Article 3 of the Statutes of the EPP as approved by the EPP Congress on 29 March 2017: <https://www.epp.eu/files/uploads/2015/09/EN-STATUTES-version-9-Mai-2017.pdf>

<sup>4</sup> see Article 4 of Regulation 1141/2014 which requires from any "political alliance" the observance of EU values non only in its programme but also "in its activities" the values laid down in Article 2 TEU

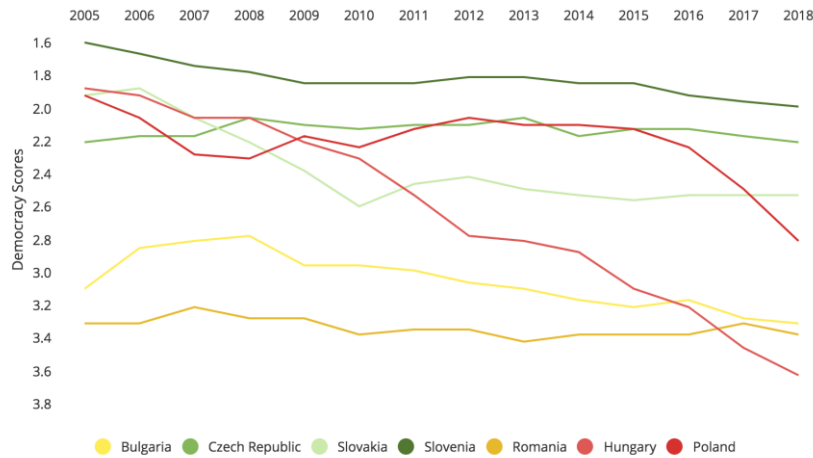
<sup>5</sup> For further analysis and references, see Scheppele, Kim Lane; Pech, Laurent: *Why Poland and not Hungary?*, *VerfBlog*, 2018/3/08, <https://verfassungsblog.de/why-poland-and-not-hungary>

<sup>6</sup> See e.g. Zeid Ra'ad Al Hussein, Opening Statement by UN High Commissioner for Human Rights, 37<sup>th</sup> session of the Human Rights Council, 26 February 2018: "Xenophobes and racists in Europe are casting off any sense of embarrassment – like Hungary's Viktor Orban who earlier this month said "we do not want our colour... to be mixed in with others". Do they not know what happens to minorities in societies where leaders seek ethnic, national or racial purity?"

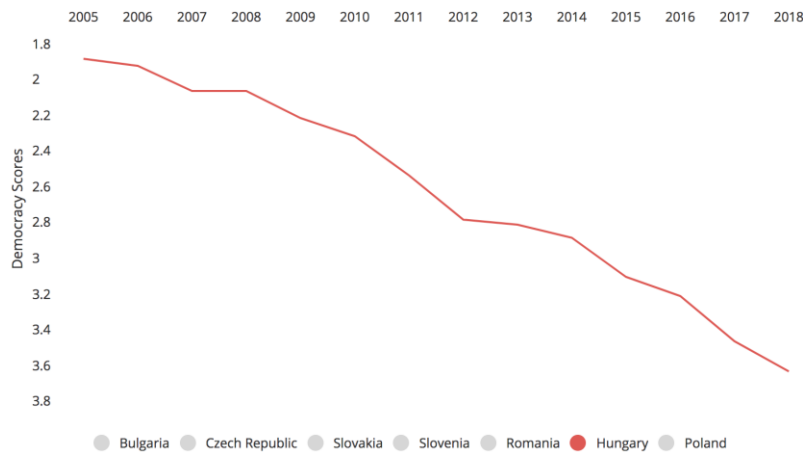
<sup>7</sup> Freedom House, Nations in Transit 2018: Confronting Illiberalism.

<sup>8</sup> Freedom House, Freedom in the World 2018, p. 3.

## Central European Countries' Democracy Scores Since Nations in Transit 2005



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This situation in Hungary has worsened to such an extent that some EPP members are now openly defying the EPP leaders and are calling for Hungary’s ruling party to be expelled from the EPP. Most recently, Viviane Reding, the former Vice-President of the European Commission, responsible for Justice, Fundamental Rights and Citizenship, has called for the “for the eviction of Viktor Orbán and his ruling Fidesz political party” on the grounds that “Viktor Orbán is leading Hungary away from the rule of law, from our fundamental rights, from EU solidarity, from the EU project. He is using public funds to wage a massive propaganda campaign against the European Union, against free movement and against the rule of law”.<sup>9</sup>

<sup>9</sup> Viviane Reding: Hungary's Orbán, Fidesz are destroying our values | View <http://www.euronews.com/2018/09/07/viviane-reding-hungary-s-orban-fidesz-are-destroying-our-values-view>

By this reasoned request and the references therein, you should be considered as having now been made aware of facts substantiating a possible “manifest and serious breach” of the values on which the EU is founded by the EPP. This would consist of its failure to take any sanction against Hungary’s ruling party, a member of the EPP,<sup>10</sup> since the multiple and serious concerns in the previously mentioned European Parliament resolution of 3 July 2013 and which already warned about “a clear risk of a serious breach of the values referred to in Article 2 TEU”. The situation has since then continued to worsen (see, recently, the Sargentini report), with the EPP leadership, and in particular the leader of the EPP in the European Parliament, Manfred Weber, yet to take any sanction against its Hungarian member, but rather supporting its policies and activities:

When the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs sounded the alarm bell about an erosion of basic individual rights in Hungary, [Weber called its report](#) “biased and politically motivated,” warning that the European Parliament was about to turn itself “into a Big Brother.” When Orbán was standing for re-election in a contest that many outside observers considered the last chance to oust him by democratic means, Weber [called him](#) “a strong prime minister” who “vivifies European political debates.” And when Orbán duly extended his hold on power in elections that the Organization for Security and Co-operation in Europe, in [unusually undiplomatic language](#), condemned as “free but not fair,” Weber congratulated him on his “[clear victory](#).”<sup>11</sup>

We remain at your disposal to provide you with further evidence of the EPP’s alleged failure to comply with its duties under Article 3 of Regulation 1141/2014 and urge you to undertake a verification – as you are required under Article 10 of the Regulation – of the EPP’s continuing compliance with the values on which the EU is founded.

Should you not provide a prompt and satisfactory response to our letter, we will have no other option but to refer this matter to the EU Ombudsman to verify the correct handling of our request.

We would also like to inform you that in accordance with Article 6 of Regulation 1141/2014, as amended by Regulation 2018/673, we will also address this letter to the Authority for European Political Parties so as to have it request from the Committee of independent eminent persons an opinion on a possible “manifest and serious breach of the values on which the EU is founded”, as referred to in point (c) of Article 3(1) of the Regulation.

A further letter concerning the European Conservatives & Reformists (ECR)’s continuing compliance with Article 2 TEU in relation to its Polish member – Law & Justice (PiS) – will follow.

Yours sincerely,

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<sup>10</sup> <https://www.epp.eu/parties-and-partners/>

<sup>11</sup> Yascha Mounk, Angela Merkel’s shameful failure to confront right-wing authoritarianism: [https://slate.com/news-and-politics/2018/09/merkel-orban-the-shameful-failure-of-conservatives-to-confront-right-wing-authoritarians.html?wpsrc=sh\\_all\\_dt\\_tw\\_ru](https://slate.com/news-and-politics/2018/09/merkel-orban-the-shameful-failure-of-conservatives-to-confront-right-wing-authoritarians.html?wpsrc=sh_all_dt_tw_ru)



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