

Ms. Ursula von der Leyen
President of the European Commission

Ms. Věra Jourová
Vice-President of the European Commission

Brussels, 14 May 2024

Subject:

[THREAT TO EU'S ELECTIONS INTEGRITY]

Accelerating the infringement procedure and requesting interim measures in the case of Hungary's Law on the Defence of National Sovereignty

Dear Ms. von der Leyen and Ms. Jourová,

As representatives of a coalition of international civil rights groups dedicated to upholding democracy, the rule of law and fundamental rights within Europe, we urgently request further action by the European Commission against Hungary's recent Law on the Defence of National Sovereignty and its enforcement arm, the Sovereignty Protection Office (SPO).ⁱ

We welcomed the Commission's decision to act by launching an infringement procedure against Hungary in relation to the Law and are grateful for your initial response on February 7ⁱⁱ; yet the gravity of the situation necessitates a more vigorous and fast reaction, notably to ensure the integrity of the upcoming European Parliament elections on June 9.

The Law's vague definitions of "*foreign interests*" and "*national sovereignty*", combined with the SPO's unchecked power to access government and intelligence data and conduct unchallengeable smear campaigns, have instilled a climate of fear and self-censorship in Hungary. This is particularly distressing as many partner organisations in Hungary running apolitical civic engagement initiatives, such as programmes to increase voter participation in the EP elections, are now refraining from applying for essential EU funding due to fears of reprisals.ⁱⁱⁱ The chilling effect is also palpable among journalists as the law enables the government to target independent media^{iv} by deeming them a threat to "sovereignty" or "national security", which in turn affects the free flow of information, crucial for genuine political debate, informed voting and democratic engagement. The SPO's current inquiries, notably into Péter Magyar, a prominent opposition figure, underscore a broader threat not only to Hungarian civil society and voters but also to the democratic processes across the EU.^{vi}

When a Member State restricts democratic pluralism in this way, it has an impact on the whole Union.

The European Commission can act effectively to address this crisis. The European Parliament has already voiced its concern on April 24, urging swift action^{vii}. We echo this call and urge you to refer this matter to the Court of Justice of the European Union in the upcoming days, seeking interim measures to suspend the enforcement of this draconian law. We also call on you to accelerate the infringement procedure against Hungary in relation to the law.

We appreciate your attention to this critical issue and remain at your disposal should you require further details or discussion.

Your sincerely,^{viii}



International Federation for
Human Rights



RECLAIM



Transparency International



Human Rights Watch



European Civic Forum



Forbidden Colours

CC ---

Anthony Whelan – Acting Head of Cabinet of President von der Leyen

Daniel Braun – Head of Cabinet of Vice-President Jourová

Geneviève Tuts – Head of Cabinet of Commissioner Reynders

Mr. Daniel Calleja Crespo - Director-General of the Legal Service

ⁱ EurActiv, [Hungary's foreign influence office 'makes Moscow look meek](#), 30 Jan 2024.

ⁱⁱ European Commission's Monthly Infringement Package, [Commission Decides to Launch Infringement Procedure against Hungary for violating EU Law](#), 7 Feb 2024, Point 4. Infringement number (INFR (2024)2001).

ⁱⁱⁱ Identity redacted for safety until CJEU orders SPO activities to stop.

^{iv} Human Rights Watch, ["I Can't Do My Job as a Journalist"](#), 13 February 2024.

^v Human Rights Watch, [Draft Security Law Targets Civil Society and Journalists in Hungary](#), 28 November 2023.

^{vi} *AFP*. ["Orban critic under investigation in Hungary"](#) 18 April 2024.

^{vii} European Parliament resolution of 24 April 2024 on ongoing hearings under Article 7(1) TEU regarding Hungary to strengthen the rule of law and its budgetary implications ([2024/2683\(RSP\)](#)).

^{viii} Further organisations may join the request in the upcoming days.