

## Issue 6/2021

### **Hungary and the Rule of Law The conflict continues.**



#### **The EU is a Union of Law.**

**By criminalising organising activities in relation to the initiation of a procedure for international protection by persons not fulfilling the national criteria for granting that protection, Hungary infringed EU law.**

In 2018, Hungary amended certain laws concerning measures against illegal immigration and enacted, in particular, provisions which, first, added a further ground of inadmissibility of an application for international protection and, second, criminalised organising activities facilitating the lodging of asylum applications by persons who are not entitled to asylum under Hungarian law, and which provided for restrictions on freedom of movement on persons suspected of having committed such an offence.

Taking the view that, by enacting those provisions, Hungary had failed to fulfil its obligations under the 'Procedures' and 'Reception' Directives, the European Commission brought an action for failure to fulfil obligations before the Court of Justice.

The Court, sitting as the Grand Chamber, has upheld for the most part the Commission's action.