Several misleading information has been published on the “*Act on the containment of the coronavirus”* in Hungary in the printed media and online. All of this requires that I provide you and your readers authentic information on the real situation, on the facts.

The COVID-19 epidemic poses an unprecedented challenge to the Member States of the European Union and to all other countries of the world. Exceptional measures needed to be taken to protect people’s health, to guarantee legal certainty and to manage the economic consequences in all countries struck by the epidemic.

The “*Act on the containment of the coronavirus in Hungary*” entered into force on 1 April 2020, adopted by the National Assembly with 137 votes for and 53 against. This law, as in Belgium and Luxembourg, confers limited powers to the Government of Hungary and only contains specific rules related to the state of danger declared due to the coronavirus. These rules are in accordance with the principle of necessity and proportionality.

The law does not contain any restrictions on the activities of the National Assembly. On the contrary: the National Assembly has greater powers than in other countries in such a situation. Uniquely in Europe, the National Assembly could revoke the authorisation given to the government and could modify and repeal the containment law at any time.
Furthermore, the government's obligation to provide regular information to the National Assembly on the measures taken to deal with the state of danger remains, therefore ensuring parliamentary oversight and control.

Concerning freedom of expression, the law only provides for a limited extension of the provisions of the Criminal Code on scaremongering. The prerequisite of being punished is the intentional misinformation during the period of the state of danger as well as spreading fake news that would negatively affect the effectiveness of the precautionary measures. We must differentiate between deliberate, false statements and freedom of expression. No forms of freedom of expression are subject to this law, including criticism of the government, no matter how strong these critical views are.

The application of the Fundamental Law (Constitution) of Hungary cannot be suspended not even within the special legal order. The Fundamental Law lays down when national elections must be held. Therefore, the new law does not have any impact on it. Only by-elections can be postponed due to the coronavirus epidemic, as it has been the case in
other EU countries.

The “*Act on the containment of the coronavirus”* in Hungary aims to address the consequences of the epidemic in the most effective way. It is fully in line with both the Fundamental Law of Hungary and the EU treaties. It also respects the fundamental values of the EU, the principle of the rule of law, the freedom of expression and freedom of press.

Hungary advocates a peer review of the fundamental values of the European Union that extends to all Member States based on objective criteria and equal treatment. A comparative analysis of Member States’ different approaches to exceptional measures could be a subject of this exercise when the worst days of the crisis are already behind us. It is regrettable that the statement of 13 Member States of the EU was not open for all Member States to join. These values, on which the European Union is founded, are common to all of us. In such hard times, what the European Union most needs is unity and solidarity.

Tamás Iván Kovács

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