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New Wine in Old Bottle: Hungarian Anti-Epidemic Measures and Their Political Implication

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Abstract

Strong redistribution, local economy, family and employment are Viktor Orbán's emphases since 2010. These features are also fully reflected in Hungarian anti-epidemic measures. The effect of these measures is relatively moderate, although Hungary faces serious problems, such as insufficient input and labor shortage in medical system, more susceptible people in the country, etc. As usual, these measures are highly politicized with fierce critics. European Parliament fiercely criticizes Orbán for his violation of the EU treaty. The friction between Hungary and the EU is intensified and reveals the internal differences between EU institutions again.

Keywords: Hungary, epidemic, illiberal democracy, EU

Introduction

Since the emergence of the first confirmed patient in Europe on January 24, the COVID-19 swept across Europe. Hungary was also not spared. On March 4, the first confirmed patient appeared in Hungary. Up to June 17, a total of 4,077 people had been diagnosed in Hungary, 7,545 were forced to quarantine, 565 died, and 2,516 were cured.¹ The Hungarian government is optimistic about its epidemic situation. Hungarian Prime Minister Viktor Orbán stated on May 1 that Hungary had won the first battle against the epidemic.² Cecília Müller, Hungarian Chief Medical Officer, said the epidemic has arrived at a rest point, which is confirmed by the fact that in the past twenty-four hours there have been no significant changes in the epidemic

¹ <https://koronavirus.gov.hu/#/>

² <https://www.kormany.hu/en/the-prime-minister/news/we-won-first-battle-against-virus>

data.³ Data from European Centre for Disease Prevention and Control also shows that the situation in Hungary is indeed relatively better than other European countries which have not officially declared the end of the epidemic. Up to June 17, Hungary's total number of diagnoses ranked 11th among the 27 EU countries. Malta is the least hit member state with 622 confirmed cases. Due to the different population of various countries, the average level can better reflect the effect of prevention policies. 40.5 out of every 100,000 people in Hungary are diagnosed, which ranks 4th among the 27 EU countries. The lowest diagnosis rate was Bulgaria, at 36.8. Hungary has 5.5 deaths per 100,000 people, which ranks 12th among the 27 EU countries. The lowest mortality rate is 0.5 in Slovakia.⁴ However, longitudinal comparison of Hungary's national data shows that Hungary's mortality rate is gradually increasing compared with other countries. Hungary had 3.6 deaths per 100,000 people on May 4, ranking 8th in the EU. By June 6, this rank fell to 12th. Although the number of diagnoses per 100,000 people is increasing, the ranking remains unchanged. Overall, Hungary's epidemic prevention effect is not outstanding, but the epidemic is under control.

2019 State of Health in the EU (Hungary) may be able to provide some explanation for its increase in mortality. According to this report, the Hungarian medical system is relatively backward, and the health status of Hungarians is lower than the EU average. The mortality of patients with cardiovascular disease and cancer is high in the EU, and the former is the disease with the highest mortality rate in Hungary. The report also pointed out that 60% of people over the age of 65 suffer from at least one chronic disease. Unfortunately, all three groups belong to the susceptible population to COVID-19. This greatly increased the difficulty of preventing and controlling the epidemic in Hungary. Regarding the medical system, the Hungarian government's public investment in the medical sector only accounts for 10% of total public investment and 4.9% of GDP, while the EU average of these two is 16% and 7.8 %. Although the Hungarian government has increased the wages of doctors and nurses in recent years and the brain drain slowed down, the medical sector still lacks labor. In addition, insufficient attention is paid to the system of disease control and prevention.⁵

The anti-epidemic measures are fundamental to the health of a nation. Most studies in this field have focused on epidemic control, economy recovery or comparison between countries. There have been fewer detailed investigations of political implication for a country. Politics

³ <https://www.kormany.hu/en/news/epidemic-has-arrived-at-a-rest-point>

⁴ <https://www.ecdc.europa.eu/en/cases-2019-ncov-eueea>

⁵ https://ec.europa.eu/health/sites/health/files/state/docs/2019_chp_hu_english.pdf

always follow policies. The aim of this article is to explore the relationship between Hungarian anti-epidemic measures and Viktor Orbán governance, and between Hungary-EU friction and the conflict aroused by the current epidemic. The paper will adopt the approach of empirical research. The first section of this paper will examine the features of Orbán's economic and social policies since 2010 and the current anti-epidemic measures, then will go on to Hungary-EU relations, especially under the Article 7 and COVID-19 epidemic. The paper argues that there is nothing new under the sun. The features of Orbán's economic and social policies are fully embodied in the anti-epidemic measures. Due to this factor and the EU internal divergence, the Hungary-EU friction caused by the epidemic will only become a political tool again, and lure for people to buy some apple of Sodom.

1. Features of Orbán's social and economic policies

Since 2010, Viktor Orbán has been claiming that he will re-transform Hungary to follow the transition in the beginning of 21st century and to correct the mistakes deriving from the transition.⁶ He also considers the previous socialist government as a failure and the victory of FIDESZ will realize the requests from unsuccessful transition.⁷ On social policy, Orbán government puts much emphasis on family and employment by strong redistribution in order to build the so-called "work-based society". On economic policy, Orbán introduces the re-nationalization to reduce the foreign share in certain sectors, such as in banking, in order to increase the local share.

1.1 Social policy and redistribution

Orbán claims that after the crisis, Western European countries can no longer continue the previous welfare state model. Each country must adjust this model. The adjustment in Central European countries will not be as difficult as that of the Western Europe, since the Central European countries have never built a welfare state model. Hungary is to build a work-based society rather than the less competitive Western welfare state model.⁸ His policy is realized in the following directions.

⁶ <https://2010-2014.kormany.hu/hu/miniszterelnokseg/miniszterelnok/beszedekek-publikaciok-interjuk/orban-viktor-unnepi-beszede-a-kossuth-teren-2010-oktober-23>

⁷ <https://2010-2014.kormany.hu/hu/miniszterelnokseg/miniszterelnok/beszedekek-publikaciok-interjuk/orban-viktor-eloadasa-a-nemzeti-erdekek-cimu-konferencian>

⁸ https://www.napi.hu/magyar_gazdasag/orban_nem_joleti_allam_epul.534599.html

Subsidize families by comprehensive measures. After alleviating the debt crisis in the public and private sectors, the Orbán government has launched various policies for the family sector and the labor market, aiming at encouraging childbirth, raising wages and employment rates. Since 2010, the Hungarian government has been increasing its investment in family policy. Expenditure in this area was 960 billion HUF in 2010, accounting for 3.5% of GDP, and then rose all the way to 1.9 trillion HUF in 2018, accounting for 4.8% of GDP. Among them, the various services provided to families, housing subsidies and subsidies for women over 40 years of age were mainly increased. Since July 2010, the government has lowered the tax base based on the number of children owned by households and reduced household expenditures on energy such as hydropower and natural gas. In 2012, the government gave preferential housing loans to eligible families. In 2014, the government gave individual families preferential income tax and subsidies for childcare expenses. The year of 2018 was named "A Családok Éve" by the government. In that year, the government comprehensively increased tax benefits for families, subsidies for family and student loans, and subsidies for kindergarten construction.⁹

Encourage employment by raising wages. In the labor market, the unemployment rate once reached 11.9% in the first quarter of 2012, the highest unemployment rate since 2006, but it has dropped to 3.3% in the third quarter of 2019.¹⁰ The average gross salary of employees in 2018 was about 330,000 HUF, an increase of 11.1% over the same period last year, and the increase in 2017 was 12.8%. According to statistics from January 2020, the average gross salary in Hungary from January to November 2019 was 364,000 HUF, an increase of 11.2% over the same period last year. The government has also reformed individual income tax and introduced a single tax of 16%.¹¹ However, in response to Hungary's low unemployment rate, many voices questioned the authenticity of this figure. Such views hold that the government has created so many public jobs that people who have never actively sought a job, have found this job. This group of people should not be counted in employment.¹²

Redistribute by public policies. Differing from the previous government, the model implemented by Orbán after 2010 is essentially a redistribution of resources, rather than directly raising welfare through debt. The Orbán government first reduced spending in several sectors.

⁹ A családtámogatások rendszere Magyarországon, Az Állami Számvevőszék, https://asz.hu/storage/files/files/elemlzesek/2019/20190618_csaladtamogatások_rendszere.pdf?download=true

¹⁰ A 15–74 éves népesség gazdasági aktivitása nemenként, http://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_qlf001.html,

¹¹ <http://www.ksh.hu/docs/hun/xftp/gyor/ker/ker1911.html>

¹² <https://www.portfolio.hu/gazdasag/20180502/azt-hitted-hogy-alacsony-a-magyar-munkanelkuliseg-akkor-nezd-meg-ezt-a-grafikont-284126>

The government shortened the period for receiving unemployment benefits from nine months to two months to encourage the unemployed to find a job as soon as possible. The current two-month time limit is the shortest standard in EU countries. The government has also reduced the level of pensions for early retirement to encourage employees to continue working and re-examined the eligibility of people receiving disability benefits. Second, the government expanded the source of income. The main part of income comes from the pension system. In 1998, Hungary established a pension system with three pillars: one is a traditional pay-as-you-go pension system; and the other is a mandatory pension fund for employees. Today, such funds only cover 3% of all employees. The last pillar is pension funds that employees voluntarily deposit. After the pension reform in 2011, the first two pillars were basically merged, and the mandatory pensions became completely pay-as-you-go managed by the government. In this regard, the OECD research report believes that this approach increases the cost of government management.¹³

1.2 Industrial policy and localized economy

After his re-election in 2018, Orbán's government began to implement the next stage of economic policy, shifting its focus from restoring economic growth to improving its competitiveness. This competitiveness is mainly reflected in the following aspects: In the investment field, Hungary focuses on seeking business relations, financing and further integration of SMEs; in the economic structure, reducing dependence on traditional automobile manufacturing and increasing high value-added industries; in financial sector, further reducing financial risks and strictly controlling the growth of public debt. Orbán interpreted this in a public speech: "We believe that the proportion of local industrial products in Hungarian products should be increased. We call this re-industrialization."¹⁴ The government accordingly initiated the Irinyi Plan (Irinyi Terv) and the Industry 4.0 project (Ipar 4.0 Program). The former's key policy objectives focus on reducing dependence on the automobile manufacturing industry, leading the industry with innovation, improving the efficiency of SMEs, and deeply integrating into the export-oriented value chain. The latter aims to increase the technological content of SMEs.

¹³ OECD, Sustainability of pension systems in Europe – the demographic challenge, Groupe Consultatif Actuariel Européen Position Paper, July 2012

¹⁴ <https://www.portfolio.hu/gazdasag/20140415/ujraiparositas-minek-197831>

But up to now, the most visible result of this strategy is the government's intervention by re-nationalization which spreads to the entire Hungarian economy, not just the banking sector. Rogán Antal, the minister of Cabinet Office of the Prime Minister, even publicly stated that the country's public service industry should be integrated into one system.¹⁵ For example, in the energy field, the Hungarian State-owned Asset Management Corporation (Magyar Nemzeti Vagyonkezelő Zrt., MNV) in 2011 purchased 22% share of Hungarian Oil and Gas Industry Group (Magyar Olaj- és Gázipari Részvénytársaság, MOL). In 2012, the local government of Budapest acquired the Budapest Water Plant, and in 2014, acquired the AVE waste treatment company. In the media sector, in 2011, the central government acquired Duna TV through its wholly-owned subsidiary, Media Services Support and Property Management Fund (Médiaszolgáltatást Támogató és Vagyonkezelő Alap).

1.3. Anti-epidemic measures of Hungarian government

The characteristics of Orbán's government are fully embodied into the Hungarian anti-epidemic measures. Hungarian protective measures started earlier than the outbreak. After the outbreak, the government focuses on protection of family and employment by redistribution of resources and the local production of materials.

1.3.1 From the beginning to the end of the first phase

As early as January 31, before the outbreak in Hungary, the Hungarian government issued Government Order No. 1012/2020, and formally established the Operational Group (Koronavírus-járvány Elleni Védekezésért Felelős Operatív Törzs). A clear division of labor was carried out.¹⁶ The task of the Group is to prevent and control the spread of the virus in Hungary and to assess and analyze the outbreaks abroad. The group was co-led by Sándor Pintér, Minister of Interior, and Miklós Kásler, Minister of Human Resources. Other team members include the Chief Medical Officer, representatives from the Hungarian Counter-Terrorism Center (TEK), National Medical Center, Emergency Center and other departments. On the same day, the government announced the establishment of a dedicated website on the epidemic in Hungary.

¹⁵ https://m.portfolio.hu/vallalatok/rogan_ismet_elohozta_a_nonprofit_kozmuszolgaltatast.188845.html

¹⁶ <https://www.kormany.hu/hu/belugyminiszterium/hirek/az-operativ-torzs-akcioterve-a-koronavirus-jarvany-elleni-vedekezesert>

After the first confirmed patient appeared on March 4, the Operational Group immediately took measures in border control, public health, transportation, and local governance. On March 11, the government declared a state of danger nationwide, valid for 15 days.¹⁷ The embargo on emergencies mainly includes suspension of flights from several countries, prohibition of entry of foreign nationals, strengthening of border control, and 14-day compulsory isolation for Hungarians from abroad. On March 16, Hungary closed its border. In addition to the San Laszlo Hospital, the government designated several hospitals as isolation and treatment centers in other cities. In terms of daily life, bars and various cultural venues are ordered to close. Restaurants, cafes and shops were only open until 3 pm. Local governments had to cancel various large-scale activities. Budapest Liszt Ferenc Airport suspended routes between Hungary and several Italian cities. On March 27, the government officially imposed curfew with comprehensive regulations on public transportation, and store business hours etc. On March 30, Parliament passed Law No. 12 of 2020 on the prevention and control of epidemics, and agreed that the government extend the period of validity of the national emergency. The government announced an indefinite extension of the state of danger on the March 31. On May 3, the government announced that the national epidemic prevention has entered the second stage. Except for Budapest and Pest county, the bans in other counties have been relaxed.

1.3.2 Family and industrial policy

The Hungarian government increases direct assistance to the household sector. On April 25, the Hungarian government announced that it would re-implement the 13-month pension system to protect the lives of retired people. Bence Rétvári, Parliamentary State Secretary of the Ministry of Human Capacities, said in February 2021, the elderly will receive an extra one quarter of a monthly pension, in 2022 an extra half a month, in 2023 an extra three-quarters of a month, while finally in 2024 elderly persons will receive an extra full monthly pension.¹⁸ In addition to subsidies, another focus of the Hungarian government is to preserve employment. Prime Minister Viktor Orbán once wrote a public letter that Hungary will create as many jobs as wiped out by the coronavirus.¹⁹ Gergely Gulyás, the Minister heading the Prime Minister's Office, said on June 5 that with the measures implemented so far and those planned for the

¹⁷ Although "State of emergency" is a popular translation for "Veszélyhelyzet", but according to the English version of Hungarian basic law on the government website, it is "State of danger" as the English translation of "Veszélyhelyzet", which refers to the event of a natural disaster or industrial accident endangering life and property. This phrase will be used in this article.

¹⁸ <https://www.kormany.hu/en/ministry-of-human-resources/news/reintroduction-of-13th-monthly-pension-enhances-financial-security-of-the-elderly>

¹⁹ <https://www.kormany.hu/en/the-prime-minister/news/we-will-create-as-many-jobs-as-wiped-out-by-coronavirus>

future, the government is playing a role in the protection of 1,144,125 Hungarian jobs, including both labour market and training support.²⁰

The above rescue measures for the corporate and household sector depend on the government's strong redistribution capabilities. On March 30, Orbán said that the government needs to make comprehensive adjustments to the 2020 and 2021 budgets.²¹ Then on April 4, Gergely Gulyás illustrated that the funds will withdraw from ministries and regroup HUF 1,345 billion which will be available in the fund set up with a view to protecting and restarting the economy. They will transfer HUF 663 billion to the fund whose mission it is to contain the coronavirus epidemic; 50 per cent of this year's party grants, the trade tax payable by multinational companies, the contribution of the financial sector and the part of the automobile tax due to local governments will all have to be paid into the fund. All political parties, multinational supermarket chains, banks and local governments, to share the burdens.²²

Opposite views come from the opposition parties and society. Schmuck Erzsébet, the co-chairman of green party (Lehet más a politika), said Orbán will use this to increase the strength of his cronies in the agricultural sector through a series of new agricultural policies and establish nobles for the landlords system.²³ Tordai Bence, the parliament representative of Dialogue for Hungary (Párbeszéd) pointed out that the government's rescue plan is the worst in Europe. Subsidies and assistance to medical staff, unemployed and other groups are far from enough. Lawmaker from the Democratic Coalition expressed similar views.²⁴ Some Hungarian economists believe that the government has introduced a rescue plan late and has invested far less than other European countries. The government lacks consultation with relevant social groups.²⁵

In terms of material supply, the Hungarian government purchases globally and has also been actively promoting the localization of material production. In February, the government announced that the enterprises under the Prison Administration began to produce protective masks in prison factories, and implemented a 12-hour production with a daily output of 20,000.

²⁰ <https://www.kormany.hu/en/prime-minister-s-office/news/hungarian-economy-is-stable>

²¹ <https://www.kormany.hu/en/the-prime-minister/news/this-year-s-budget-must-be-drastically-transformed>

²² <https://www.kormany.hu/en/prime-minister-s-office/news/huf-663-billion-to-be-transferred-to-disease-control-fund-huf-1-345-billion-to-economy-protection-and-restarting-fund>

²³ https://index.hu/gazdasag/2020/04/05/lmp_kormany_foldmutyi/

²⁴ <https://hirado.hu/belfold/belpolitika/cikk/2020/04/07/elo-torvenyjavaslatokrol-targyal-a-haz>

²⁵ <https://euobserver.com/opinion/148201>

The product will be distributed directly to medical institutions in Hungary. Hungary also purchased an automated production line with a monthly output of 2.8 million masks from China to further increase production capacity. In order to meet the demand for disinfectants in Hungary, on March 25, the Hungarian oil giant, the MOL, began to produce 2-liter disinfectants. Its products are distributed directly on the market. The Budapest University of Technology and Economics has developed a prototype of a Hungarian-made ventilator which will enter into production recently, with an estimated daily output of ten.

In addition to the aforementioned measures against epidemic, the Hungarian government has also formulated policies to promote economic recovery. On March 10, Mihály Varga, the Deputy Prime Minister and Minister of Finance of Hungary stated that the government needs to actively respond to the economic needs arising from the epidemic. Although the economic growth in 2020 was predicted to be 4% last year, the possibility of a direct economic decline of 0.3% cannot be ruled out.²⁶ On April 16, Péter Szijjártó declared Eximbank will offer a preferential loan opportunity towards investments on the part of Hungarian enterprises, as well as in the form of a working capital loan in such a way that the rate of interest for small business that take on the loan within a year will be just 0.1 percent.²⁷ According to Foreign Minister, up to June 4, 806 enterprises submitted applications within the framework of the program, undertaking to realize 377 billion forints (EUR 1.09 billion) in investment and protecting 143,618 workplaces as a result.²⁸

All these measures are in line with the features of Orbán's social and economy policies, with focus on foreseeability, household, employment, security and crisis. Objectively speaking, the focus of the Hungarian government's anti-epidemic measures is no different from other European countries, mainly focusing on preventing the spread of the epidemic, assisting enterprises, and protecting employment. However, its implementation depends on the government's redistribution capability, which kill two birds with one stone. On the one hand, redistribution relies on existing resources rather than debt, which directly reduces Hungarian public debt rate, and thus maintains a low fiscal deficit level. It will be described as Orbán's achievement in the future. Especially when other European countries rely on debt to bail out the economy. On the other hand, by reducing the subsidies to political parties, the strength of

²⁶ <https://infostart.hu/gazdasag/2020/03/10/varga-mihaly-a-jarvany-hatasainak-megfeleloen-fog-reagalni-a-kormany>

²⁷ <https://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/government-to-launch-new-export-funding-and-investment-promotion-program>

²⁸ <https://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/hungarian-enterprises-will-be-able-to-stand-their-ground-in-the-new-global-economic-competition-if-they-gain-strength>

the oppositions is weakened. The maneuver space of other political parties has been declining since Orbán government in 2010, and the reduction of political party funding has made the situation worse. Another issue should be mentioned is that economically losers are not necessarily those who get compensation from the government, since the government only compensate those, who politically important (vote) and at same time, economically losers, or sometimes not even losers.

2. The illiberal democracy and Hungary-EU relations

2.1 The threads behind Hungary-EU friction

Since the Rui Tavares report in 2013, Article 7 has been the main topic between Hungary and EU debates. But there are several threads behind these endless debates. First of all, EU institutions pass the buck to each other on the potential investigation on Hungary. Since Tavares first proposed the need to invoke Article 7 against Hungary in 2012, various resolutions have continuously called on the European Commission and the Council to take action, but the two major institutions have been slow to take the substantive action expected by the European Parliament, which provoked dissatisfaction among lawmakers. So that all the related EP resolutions in the past two years made it clear that EP regret the inaction of these two institutions, especially the Council. In the 2013 EP public debate, the rotating chairman of the council publicly kicked the ball to the European Commission.²⁹ It can be seen that the "inaction" of these two EU institutions for several years has put the European Parliament on the front line to a certain extent, which is also one of the main reasons for the adoption of the Sargentini report and the current firm position towards Hungary.

After the Sargentini report was adopted, the European Parliament continued to exert pressure on other EU institutions through various means. In November 2018, the European Parliamentary Research Service published a report on Protecting the EU budget against generalised rule of law deficiencies, urging the Council to vote on the matter as soon as possible.³⁰ In the same month, the service published another report, The EU framework for enforcing the respect of the rule of law and the Union's fundamental principles and values, emphasizing

²⁹ Constitutional situation in Hungary (debate), 2018.12.21, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT%2bCRE%2b20130417%2bITEM-002%2bDOC%2bXML%2bV0%2F%2FEN&language=EN>

³⁰ Protecting the EU budget against generalised rule of law deficiencies, 2019.1.5, [http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630299/EPRS_BRI\(2018\)630299_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630299/EPRS_BRI(2018)630299_EN.pdf)

cooperation between the two institutions.³¹ But there is not clear sign on initiating these proposals in EU.

Secondly, politicization is becoming more and more serious. At present, the issue of democracy and the rule of law in Hungary is not only a matter of the institutional construction inside Hungary, but has become a tool for the left and right parties within the European Parliament and within Hungary. During the debates in Hungary, the focus was on how to use the friction to gain greater support or to demolish the FIDESZ. At the level of the European Parliament, it can be seen from the public debates on the various issues of Hungary in the two major parliamentary groups that the focus is not on how to analyze, understand and resolve these issues, but on how to oppose or support Hungary.

The European Parliament, which was supposed to exercise political supervision and advisory functions under the EU Treaty, never put forward effective advisory advice on the Hungarian issue, but merely urged all parties to implement sanctions as soon as possible. Sargentini even participated in a demonstration organized by the Hungarian opposition in Brussels in January 2019 and gave a public speech. Member of the European Parliament acted directly as opposition of a member state, and failed to effectively exert any political supervision and advisory functions.

Thirdly, the EU and its member states can't communicate with each other. Some of the problems between Hungary and the EU have been unable to be resolved, partly because the EU and Hungary have never conducted in-depth and effective communication. For example, on the issue of refugees, the representatives of the European Commission have insisted on calling refugees as asylum seekers in their speeches in the European Parliament, deliberately ignoring the question of whether they are illegal or not, and more from the perspective of human rights and morality. Orban and others insisted on calling this group as refugees or immigrants, with more emphasis on whether this group complies with relevant laws. Both sides have their own opinions based on their own interests. The adoption of the Sargentini report was also interpreted as a showdown between the two camps of supporting refugees and opposing refugees in Hungary, but in fact the refugee issue is only a small part of the report. The Hungarian government has never responded positively to the rest of the report. It can be seen that although various communication mechanisms exist between the EU and member states, when problems

³¹ Relations between the European Council and the European Parliament-Institutional and political dynamics, 2019.1.5, [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/630288/EPRS_STU\(2018\)630288_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/630288/EPRS_STU(2018)630288_EN.pdf)

emerge, the EU not only lacks a formal regulatory mechanism, but also shirks each other from each other, and the EU and member states are unable to carry out effective communication.

2.2 The friction between Hungary and EU under the epidemic

These features are also fully reflected in the epidemic. Although the above measures are also controversial in Hungary, the real trigger this time was the so-called authorization law. The Hungarian Parliament passed Law No. 12 of 2020 on March 30, authorizing the government to extend the period of national emergency. Because the state of danger allows the government to bypass various laws, and the time limit for this state is indefinite, fierce criticism from Hungary, EU institutions and the international community are caused. Critics believe that Orbán deliberately weakens the principles of democracy and the rule of law. However, there are certain different opinions within the EU institutions on this issue, as in the case of Article 7 in the last two years.

The basic law passed in 2010 includes five special legal orders. State of National Crisis (A rendkívüli állapot) refers a state of war or an imminent danger of armed attack by a foreign power. State of Emergency (szükségállapot) refers event of armed actions aimed at subverting the lawful order or at exclusively acquiring power, or in the event of serious acts of violence endangering life and property on a massive scale. State of Preventive Defense (A megelőző védelmi helyzet) refers event of a danger of external armed attack or in order to meet an obligation arising from an alliance. Unexpected Attack (A váratlan támadás) refers the event of an unexpected incursion of external armed groups into the territory of Hungary. State of Danger (A veszélyhelyzet) refers the event of a natural disaster or industrial accident endangering life and property. Regarding the last one, the decrees of the government shall remain in force for fifteen days, unless the government, on the basis of authorization by the Parliament, extends those decrees.³²

Against this legal background, the Hungarian government issued government order 40/2020. (III. 11.) on March 11, announcing the state of danger.³³ During this period, the government has the right to restrict or interfere with personal freedom, religious freedom, peaceful assembly and property rights. On March 20, Semjén Zsolt, the Deputy Prime Minister of Hungary, formally submitted a legal proposal to the parliament, asking the parliament to pass

³² <https://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf>

³³ <https://net.jogtar.hu/jogszabaly?docid=a2000041.kor>

a law authorizing the government to extend the state of danger.³⁴ On March 30, Parliament passed Law No. 12 of 2020 on the prevention and control of the epidemic, agreeing to the government to extend the validity of the state of danger. The government has the right to take various measures related to epidemic prevention based on the government order 40/2020. (III. 11.), to suspend some laws without being bound. The government is obliged to report its anti-epidemic measures. Besides, the dissolution procedures of local governments or national autonomous governments should be suspended. No temporary elections or national or local referendums are allowed.³⁵

Various EU institutions have expressed their concerns about this incident. Among them, the European Parliament still plays the role of "pioneer". As early as January 6, it adopted a resolution on the rule of law in Hungary and Poland, calling on the Council to hold more frequent and regular hearings in 2020, and proposed that the EP should participate. Before the Hungarian parliament passed the authorization law, the EP's Committee on Civil Liberties, Justice and Home Affairs stated on March 24 that although member states need to take necessary measures during the outbreak, member states should ensure that they do not undermine fundamental rights, the rule of law and democratic principles. The European Commission needs to assess whether the upcoming authorization law of the Hungarian Parliament violates Article 2 of the EU Treaty.³⁶ On April 17, the EP once again passed a resolution on Hungary. The resolution clearly stated that EP members are seriously concerned about the Hungarian government's decision to extend the state of danger indefinitely. This decision weakened the parliamentary oversight function. The lawmakers called on the European Commission to urgently assess whether this measure complies with the EU Treaty and use all EU tools to sanction this serious act, including the multi-annual financial framework. The lawmakers also called on the Council to hold hearings on the violation of Article 7 by Hungary and Poland.³⁷ Ursula von der Leyen, the President of the Commission also expressed her concern.³⁸ Marija Pejčinović Burić, The Secretary-General of European Council, wrote an open letter stating that the measures taken by the members of the Council under special

³⁴ <https://www.parlament.hu/irom41/09790/09790.pdf>

³⁵ <https://magyarkozlony.hu/dokumentumok/9b48945c85f190378f67e253337be4299edf743f/megtékintes>

³⁶ <https://www.europarl.europa.eu/news/en/press-room/20200324IPR75702/ep-stands-up-for-democracy-in-hungary-during-covid-19>

³⁷ <https://www.europarl.europa.eu/news/en/press-room/20200415IPR77109/covid-19-meps-call-for-massive-recovery-package-and-coronavirus-solidarity-fund>

³⁸ <https://www.euractiv.com/section/justice-home-affairs/news/von-der-leyen-concerned-over-hungary-virus-emergency-law/>

circumstances must comply with their own constitutions and international standards, and they must always pay attention to the principles of democracy. An indefinite and uncontrolled national emergency does not guarantee democratic principles.³⁹

But there is a clear gap between EU institutions. According to the German news agency, the European Commission's internal investigation concluded that there was no clear evidence that Hungary violated democratic principles. The European Commission will continue to follow the Hungarian government's measures in the coming months.⁴⁰ Věra Jourová, Commission Vice President for Values and Transparency, showed ambiguous attitude towards the questions regarding this issue during several academic conferences. However, the latest progress shows that Věra Jourová is definitely not the supporter of Hungary. The government sent out a questionnaire, billed as a national consultation to some eight million eligible voters. One of the questions claims the European Union is preparing an offensive against the immigration-related regulations of the Hungarian constitution. Věra Jourová calls this as fake news.⁴¹ As for the potential end of emergency on 20th of June, Věra Jourová warns that This will be the moment of truth, [as to] whether the situation and the legal order and the balance of powers in Hungary will come back to the old normal ... or there will be some remainders of the emergency regime.⁴² In this case, the Council didn't make position as in the case of Article 7.

By takes advantage of EU's divergence, Viktor Orbán said after reading the law line by line, they found nothing about the Hungarian special legal order that would be contrary to the EU's civilizational traditions. He highlighted, observing that in normal circumstances, Hungary should be receiving letters of apology on an hourly basis, but at this time he is not expecting an overwhelming number of apology messages.⁴³ Justice Minister Judit Varga said in German broadcaster ARD interview that, the law on the effort to contain the coronavirus is democratic. Parliament can revoke the authorization granted to the government at any time. legislature will decide on the termination of the state of danger declared due to the coronavirus epidemic as well.⁴⁴ In another interview, she said in Europe criticizing Hungary has become something of a trend as the liberal mainstream that rules Western European media rejects politicians who

³⁹ <https://www.coe.int/en/web/portal/-/secretary-general-writes-to-victor-orban-regarding-covid-19-state-of-emergency-in-hungary>

⁴⁰ <https://rmx.news/article/article/media-fail-eu-finds-no-grounds-to-act-against-hungary-s-emergency-law>

⁴¹ <https://euobserver.com/political/148616>

⁴² <https://www.politico.eu/article/hungary-faces-moment-of-truth-over-rule-by-decree-jourova-says/>

⁴³ <https://www.kormany.hu/en/the-prime-minister/news/we-won-first-battle-against-virus>

⁴⁴ <https://www.kormany.hu/en/ministry-of-justice/news/justice-minister-judit-varga-to-german-public-service-broadcaster-ard-law-on-containment-effort-is-democratic>

disagree with them. Hungarians are true Europeans, but critical ones, and they are attacking Hungarians because of this.⁴⁵ Gergely Gulyás said in the past few years they have grown used to the fact that it is something of a hobby for many to criticize, slander and make false accusations about Hungary.⁴⁶ On June 11, Judit Varga stated that during the coronavirus crisis, the European Parliament was part of the problem, not the solution.⁴⁷

Conclusion

Hungary faces serious problems under the epidemic, such as insufficient input and labor shortage in medical system, more susceptible people in the country. But the anti-epidemic measures achieved moderate effect, comparing with other countries in the EU. The causality between these measures and effect should be clarified by the scientists. All we can conclude is that these measures and their effect are relevant. Regarding the recovery, the Hungarian government follows its path since 2010, focusing on family and employment by redistribution, and also on the local production of materials. of course, the task of boosting economy should be observed further, since there must be a gap between the design of a policy and the implementation of it.

However, these measures are politicized again as usual, especially the authorization law. EU institutions argue that the epidemic becomes another opportunity for Orbán to concentrate powers, which further harms European values and violates the EU treaty. The conflict between Hungary and EU arouses again, but it is still nothing but a political quarrel. The epidemic is a “New Wine” in “Old Bottle” of Hungary-EU conflict.

⁴⁵ <https://www.kormany.hu/en/ministry-of-justice/news/justice-minister-judit-varga-to-austrian-television-broadcaster-orf-containment-legislation-will-remain-in-force-as-long-as-state-of-danger-prevails>

⁴⁶ <https://www.kormany.hu/en/prime-minister-s-office/news/huf-663-billion-to-be-transferred-to-disease-control-fund-huf-1-345-billion-to-economy-protection-and-restarting-fund>

⁴⁷ <https://www.kormany.hu/en/ministry-of-justice/news/european-parliament-was-part-of-the-problem-not-the-solution-during-crisis>