

From:

European Alliance of Academies
c/o Akademie der Künste
Berlin, Germany

in Cooperation with:

European Center for Constitutional and Human Rights (ECCHR)
Berlin, Germany

To:

Ms Dolors Montserrat
Chair Committee on Petitions
European Parliament
1047 Brussels
BELGIUM

Sent via E-Mail to: peti-secretariat@ep.europa.eu

Berlin, 22 December 2022

Response to Your Letter from 7 September 2022 regarding Petition No. 0516/2021

Dear Ms. Dolors Montserrat,

With concern we have taken note of your decision to conclude the examination of our petition and close the file. The Committee on Petition did not substantively investigate the matter, nor did it exhaust its procedural possibilities. Furthermore, the decision to close the file was solely based on the Commission reply from 6 May 2022, incorrectly assuming that the presented facts did not relate to the implementation of European Union Law.

Therefore, we request you to (1) re-open the petition, (2) exhaust all procedural possibilities to investigate the breaches of EU law by Hungary in the field of artistic freedom and (3) fully comply with all demands of the original petition (No. 0516/2021).

1. Re-open petition

The examination of the admissible petition was concluded with allusion to the Commission's notice to members, which stated that the presented facts did not relate to the implementation of EU law. However, the European Union's competence and obligation to act includes measures which limit free movement rights (*ERT, Carpenter*). The facts presented in our petition - especially those related to defunding and interference with the organizational structure of the cultural sector - violate among others the free movement of services, workers and capital. Hence, the Commission's conclusion is incorrect and the facts should be reevaluated.

In addition, the requirements to initiate an infringement procedure against a country do not limit the Committee on Petition's competence to conduct its own investigation. According to the information provided to us, an analysis of the presented facts by the Committee did not take place. A substantive examination of the facts must be carried out within the framework of the re-opening of the petition.

This procedure is also warranted by the deterioration of the situation for artists and cultural institutions in Hungary. Given the continued attacks on the freedom of artistic expression and on institutional autonomy, highlighted in recent reports, decisive actions of the European Parliament are needed.¹

¹ Artistic Freedom Initiative: "Systemic Suppression: Hungary's Art and Culture in Crisis", 2022, https://artisticfreedominitiative.org/wp-content/uploads/2022/03/Artistic-Freedom-Monitor_Hungary_Systematic-Suppression.pdf, last accessed on 22 December 2022.

2. Exhaust all procedural options

To our knowledge, the petition was forwarded to the Commission as well as to the Committee on Culture and Education and Committee on Civil Liberties, Justice and Home Affairs. Yet, no statement or any form of input was provided by the relevant committees. We urge you to request written opinions from the committees and make recommendations for possible actions. In addition, the conduct of a fact-finding visit should be considered and a public hearing must be scheduled.

As the petition concerns a specific situation in a Member State, the Committee should send the petition together with concrete questions to Hungary and request a statement on its culture policy as well as the concrete measures laid down in the original petition.

3. Meet the original demands

Given the ongoing and escalating threats that artists and cultural institutions in Hungary are exposed to, the lack of action by the Petition Committee and the European Parliament towards the violations of fundamental rights is deeply concerning to us.

Neither the Article 7(1) TFEU proceedings nor the rule of law mechanism directly address the lasting destruction of cultural autonomy in Hungary. The autonomy of cultural institutions and freedom of artistic expression is an absolute prerequisite for building and strengthening democracy in Hungary in the long term. We therefore reiterate the demands of our original petition and urge you to get involved in the presented matters according to your mandate:

- Investigate the violations of the freedom of the arts in Hungary, by setting up a temporary committee of inquiry (Article 226 TFEU) - including the conduct of fact-finding visits and a public hearing
- Advocate for a legislative framework to protect the independence of cultural institutions and cultural professionals - including working towards the establishment of an own-initiative procedure (Article 225 TFEU)
- Support civil society initiatives - through funding and connecting relevant actors - to form alliances across borders to defend the freedom of arts and the autonomy of cultural institutions and professionals

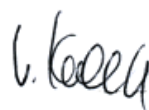
We insist that the expressed concern for the freedom of the arts and the rule of law by the Committee on Petitions as well as European Parliament as a whole and the Commission, results in meaningful action.

We wish to be kept informed about any action taken.

With kind regards,



Prof. Jeanine Meerapfel
President
Akademie der Künste



Wolfgang Kaleck
General Secretary
European Centre for Constitutional and Human
Rights ECCHR