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# Opportunities and Challenges for the Hungarian EU Presidency in 2024 in the Field of Protection of National Minorities

The protection of the rights of national minorities and the promotion of their interests in the international sphere, and more specifically in the European Union, is a general priority of the Hungarian foreign policy. In recent decades, Hungarian governments submitted proposals to the different EU institutions on several occasions urging for the protection of national minorities at the EU level. What are the biggest challenges and opportunities for the Hungarian Government in promoting this issue in the course of their presidency of the Council of the European Union in 2024? What are the legal and political factors that may shape the room for manoeuvre of Budapest in this respect? What realistic expectations should the Hungarian Government set for the protection of the rights and interests of national minorities in the EU?

## Introduction

The protection of national minorities is one of the cornerstones of Hungarian foreign and EU policy. In recent decades, Hungarian governments have submitted proposals to the different EU institutions several times urging for the protection of national minorities at the EU level. In July 2024, Hungary will take over the presidency of the Council of the European Union for six months. This study aims to examine what realistic aspirations the Hungarian Government should set in terms of promoting the protection of the rights of national minorities at the EU level within the framework of its 2024 presidential program.

The first part of the paper provides an overview of the legal and political framework for the protection of national minorities in the EU. It will briefly analyse the primary legal framework of the EU in this regard, highlighting the provisions that can form a legal basis for further legal acts by the EU with the aim of protecting national minorities. It will also provide an insight into how the different EU institutions and member states view the possibility of developing the EU legal framework in this area. The second part of the paper will investigate the legal and political factors that may determine the latitude of Budapest in promoting the EU-level protection of national minorities in the course of the EU presidency. In addition to the factors limiting Hungary's room for manoeuvre, I will identify opportunities for the Hungarian Government to put the protection of national minorities on the agenda of the EU.



## The protection of national minorities within the EU

### *Legal framework*

The most important point of reference for the protection of national minorities under EU law is Article 2 of the Treaty on the European Union (TEU), according to which “the Union is founded on the values of respect for [...] human rights, including the rights of persons belonging to minorities”. Under this article, the respect for the rights of persons belonging to minorities – which includes national minorities – is one of the EU’s fundamental values. This value shall have the same weight as the other values listed by the same article, such as human dignity, freedom, democracy or the rule of law. At the same time, this status as a fundamental value does not imply new competences for the EU for the protection of minorities, since the rights of minorities fall outside the scope of the EU as listed in Articles 3–6 of the Treaty on the Functioning of the European Union (TFEU). The protection of national minorities is therefore considered a competence of the member states. Opponents of the EU-level protection of (national) minorities also argue that if the member states had wanted to waive their competence for the protection of minorities, they would have clearly provided for it in the Treaties.

This is partly the reason why there is no single secondary EU legal act that would provide legal guarantees for the protection of national minorities. EU law does, however, contain legal provisions that can be invoked to protect national minorities (according to Gabriel Toggenburg, more than 50 EU legislative acts refer to national minorities).<sup>1</sup> Even so, no EU legal act specifically aims to preserve the identity of national minorities. Nevertheless, the Treaties provide an opportunity to adopt legal acts for the protection of national minorities.<sup>2</sup>

In case T-391/17, *Romania vs. Commission*, on the registration of the *Minority Safe-Pack Initiative* (MSPI), the General Court stated that nothing should prevent the European Commission “from submitting proposals for specific acts which, as in the present case, are deemed to supplement EU action in the areas for which it is competent in order to ensure respect for the values set out in Article 2 TEU and the rich cultural and linguistic diversity laid down in the fourth subparagraph of Article 3(3) TEU”.<sup>3</sup> Therefore, the European Commission may submit a legislative proposal aimed at increasing the protection of persons belonging to national and linguistic minorities within the EU competences. By specifying this, the General Court provided an important basis of reference for possible minority rights-related EU legislation.

The problem of the lack of secondary legal acts on the protection of national minorities is made particularly controversial by the fact that, although the EU requires candidate states “respect for and protection of minorities” based on the Copenhagen criteria, it does not establish any guarantees for the protection of minorities in relation to its own

<sup>1</sup> TOGGENBURG 2018: 362–391.

<sup>2</sup> TOGGENBURG 2012: 85; TOGGENBURG 2018: 389.

<sup>3</sup> Judgment in Case T-391/17, *Romania vs. European Commission*. 56.

member states. As a consequence, the protection of minorities within the Union is much less assured than in candidate states outside the Union, which is not at all compatible with the EU's fundamental values under Article 2 of the TEU. In the words of Bruno de Witte, for the EU, "concern for minorities is primarily an export product and not one for domestic consumption".<sup>4</sup> The most striking example of this controversial legal situation is Lithuania, where the legal act on minorities, adopted during Euro-Atlantic integration, was repealed in 2010.<sup>5</sup>

Another cornerstone of the current EU legal framework for the protection of national minorities is the prohibition of discrimination. Article 21 of the Charter of Fundamental Rights of the EU stipulates that discrimination against a person based on them belonging to a national minority is prohibited. However, the provisions of the Charter are addressed to the institutions and bodies of the Union and to the member states only when they are implementing Union law. Therefore, the Charter cannot be applied to the situations that most affect minorities, i.e. to violations or deprivations of their rights in the member states because these actions on the part of the member states are not about implementing EU law but instead fall within the scope of national law and competence. In addition, Article 19 of the TFEU generally provides an opportunity to combat discrimination based on protected characteristics, including 'ethnic origin'. However, it is questionable whether this article can be called upon to protect national minorities, as it only prohibits discrimination based on ethnic origin and does not provide for national minorities. The primary sources of EU law refer to ethnic origin and belonging to a national minority separately, which implies that the two are not the same. According to the Fundamental Rights Agency of the EU, Article 19 of the TFEU does not apply to discrimination based on belonging to national minorities.<sup>6</sup> However, there are also contradictory positions on this in the professional literature.<sup>7</sup>

A possible legal basis for EU minority protection is the respect for the EU's cultural diversity. Under Article 3(3) of the TEU, the EU "shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced". In terms of the protection of national minorities, the most important dimensions of cultural and linguistic diversity are culture and language use. Pursuant to Article 167(1) of the TFEU, the EU "shall contribute to the flowering of the cultures of the member states, while respecting their national and regional diversity". At the same time, it should be noted that none of these areas fall under the exclusive competence of the Union, they are only supportive competences. As for the issue of minority language rights, EU documents more often refer to supporting regional or minority languages and cultures than to supporting minority groups itself. The protected value is not the right of persons belonging to the minority, given that in some member states these do not even

<sup>4</sup> DE WITTE 2000: 3.

<sup>5</sup> MANZINGER 2019: 124–125.

<sup>6</sup> FRA 2010.

<sup>7</sup> TOGGENBURG 2006: 1–27; DE WITTE 2000: 19; VARGA 2014: 140.

exist, but the minority languages as part of the European cultural heritage, as it is in the European Charter for Regional or Minority Languages of the Council of Europe.<sup>8</sup>

### *Political landscape*

The legal framework described above, according to Ulrike Barten, it is a “first sign of possible schizophrenia. The EU claims to be based on the respect of minority rights; however, it has no competences to protect or further the respect of minority rights”.<sup>9</sup> However, since nearly every tenth EU citizen identifies as belonging to a national minority (according to the pre-Brexit estimate, more than 50 million people),<sup>10</sup> the political weight of the issue is not negligible.

Bearing in mind that the biggest gap in the EU protection of national minorities is a (non-existent) secondary EU legal act aimed at the protection of national minorities, the political approach of the EU institutions that play a role in the ordinary legislative procedure should be examined, these being the two co-legislators, the European Parliament and the Council of the European Union, and the European Commission that is exclusively authorised to initiate the legislative procedure.

In recent decades, the *European Parliament* (EP) adopted numerous resolutions urging the development of EU legal framework for the protection of national minorities. These resolutions, however, are of political rather than legal relevance, since they have no binding force either for the European Commission or for the member states. Of the resolutions on this topic adopted by the European Parliament two should be highlighted, both from 2018. Firstly, the resolution on protection and non-discrimination with regard to minorities in the EU member states, which states that the EU has a responsibility to protect and promote the rights of minorities.<sup>11</sup> In the resolution, the European Parliament emphasises that there is a strong link between minority rights and the principle of the rule of law, and since Article 2 of the TEU expressly mentions the rights of persons belonging to minorities, these rights deserve to be accorded the same treatment as the other rights enshrined in the Treaties. The other relevant resolution is the one on minimum standards for minorities in the EU.<sup>12</sup> In this document the European Parliament proposed a comprehensive EU protection mechanism and called on the European Commission to draw up a common framework of EU minimum standards for the protection of minorities, consisting of a Commission recommendation and a legislative proposal for a directive, including clear benchmarks and sanctions. Even though the Parliament specifically called on the Commission to adopt the missing secondary legal act for the protection of national minorities, the Commission did not respond.<sup>13</sup>

<sup>8</sup> KARDOS 2007: 124.

<sup>9</sup> BARTEN 2016: 107.

<sup>10</sup> Federal Union of European Nationalities s. a.

<sup>11</sup> European Parliament 2018a.

<sup>12</sup> European Parliament 2018b.

<sup>13</sup> MANZINGER 2020: 7–30.

The other co-legislator, the *Council of the European Union* (Council), made up of representatives of the member states governments, has never included the issue of the protection of national minorities on its agenda (partly because the European Commission has never submitted a proposal for such an EU legal act). Furthermore, member states approach the protection of traditional minorities very differently; the scale ranges from assimilation policies to special constitutional guarantees for individuals belonging to national minority groups. On one side of this scale, as examples of best practices, we can place the Scandinavian countries, especially Finland, as well as Austria and Hungary, while on the other side we can place France or Greece as the worst examples in the EU. The former recognise numerous national minorities and provide them with various levels of self-determination, while the latter do not even recognise the existence of national minorities living in their territory, and therefore reject the concept of minority rights.<sup>14</sup> In addition, Bulgaria and Greece regard the minorities living on their territory as a danger and a national security risk,<sup>15</sup> while in Estonia and Latvia, a significant number of Russian-speaking people, who were brought in during the Soviet occupation, do not have Estonian or Latvian citizenship.<sup>16</sup> Among the EU member states, only Luxembourg, Malta, Portugal and Ireland do not have an appreciable number of citizens belonging to national minorities, while a significant number of national minorities live in the other 23 member states.<sup>17</sup>

However, the main reason for the lack of an EU guarantee system for the protection of national minorities, at least from a legal point of view, is that the *European Commission* has never put the protection of national minorities on its agenda, even though numerous minority protection organisations and the European Parliament in its resolutions have repeatedly called for it. For this reason, in the past few years the national minorities' advocacy activities have increasingly been directed at the European Commission. The European Citizens' Initiative (ECI) as a tool of the EU's participatory democracy provided a special opportunity for this. In the past ten years two initiatives were launched that directly or indirectly aimed to improve the EU's legal framework on the protection of national minorities.<sup>18</sup> An example of the latter is the initiative on national minority regions which collected the necessary number of signatures to proceed, but whose institutional review has not yet started since the organisers have not yet submitted the successful ECI to the European Commission. The other ECI is the *Minority SafePack Initiative* (MSPI), which also collected the necessary number of signatures. MSPI is a milestone in history of EU minority protection because citizens were able to force the Commission to put the protection of national minorities on the agenda for the first time. Although the European Commission rejected the package of proposals in its entirety in

<sup>14</sup> VOGEL 2001.

<sup>15</sup> MANZINGER–VINCZE 2017: 15–16.

<sup>16</sup> MANZINGER 2019: 119–120.

<sup>17</sup> VOGEL 2001: 63.

<sup>18</sup> TÁRNOK 2020.

January 2021 without adopting a single proposal,<sup>19</sup> the MSPI made a solid case for EU minority protection and created strong political legitimacy for the issue.

### **Limitations and opportunities of the Hungarian EU presidency**

The Hungarian Government's room for manoeuvre regarding the improvement of the protection of national minorities within EU law and politics in the course of its EU presidential term will be influenced by many factors, both positively and negatively.

#### *Limitation – Presidency trio*

One of the significant limitations of the Hungarian Presidency in promoting the idea of EU-level protection of national minorities are the approaches of the other two members of the presidency trio, Spain and Belgium, to the matter. Belgium and Spain cannot be considered supporters of EU-level and international minority rights protection. Belgium, for example, despite signing the Framework Convention for the Protection of National Minorities did not ratify it,<sup>20</sup> and did not sign the European Charter for Regional or Minority Languages.<sup>21</sup> Spain does not support EU-level minority protection either because of internal political concerns, including the independence movements in the country, such as the Catalan and Basque movements.<sup>22</sup>

The presidency programs of the different member states are typically aligned with the program of the presidency trio, which is developed jointly by the three respective member states. This does not mean that it is not possible to put topics on the EU agenda that are not fully supported by the other two states, but it limits their chances. The submission and adoption of a legislative or strategic proposal usually does not take place within six months, which is why the successive presidencies are dependent on each other for the success of their respective proposals. Therefore, agreement between the trio members regarding the specific topics to be addressed is necessary to successfully complete the negotiation processes.

From this perspective, it is also relevant that after Budapest Warsaw will take over the rotating presidency. Although the political relationship between Hungary and Poland is very close on many points, the protection of national minorities is not an issue in which there is harmony between the two governments. The Polish political leadership is, rather, against EU-level minority protection, and in contrast to Budapest – but similarly to Slovakia, Romania, Greece and other member states rejecting EU national minority protection – it interprets the proposals made in relation to the EU protection of national

<sup>19</sup> TÁRNOK 2021.

<sup>20</sup> Council of Europe s. a. a.

<sup>21</sup> Council of Europe s. a. b.

<sup>22</sup> TÓTH 2014.

minorities as a stealthy effort to unlawfully expand EU competences. A good example of this is that the representatives of the Polish ruling party, Law and Justice (PiS), all abstained during the vote on the European Parliament resolution supporting the MSPI on increasing the protection of national minorities in the EU (see later).

### *Limitation – Lack of EU competences*

As explained above, the EU does not have competence in the area of the protection of national minorities, which is the biggest limitation of any EU action in this field. At the same time, the protection of the rights of persons belonging to minorities is one of the core values of the EU, which compensates for the limitation arising from the lack of competence in terms of action to protect national minorities.

According to an opinion of the Commission of European Communities from 2003, moreover, the scope of Article 7 is not confined to areas covered by EU law. “This means that the Union could act not only in the event of a breach of common values in this limited field but also in the event of a breach in an area where the member states act autonomously.”<sup>23</sup> This interpretation raises serious political questions, since it may also mean that EU institutions can initiate procedures of a much more political than legal nature against member states in areas falling under the exclusive competence of the member states. On the other hand, this interpretation also leaves open the possibility for EU institutions to increase their activities in the field of protection of the rights of persons belonging to national minorities and thus to enforce the value as enshrined by Article 2 of the TEU. Taking into consideration the political realities, however, this scenario is unlikely to materialise for the time being, as the EU institutions generally refrain from holding member states accountable for the protection of national minorities.<sup>24</sup>

In addition to the legal aspects, the lack of EU competences also has political relevance. The protection of national minorities at EU level is opposed by many member states, especially Romania and Slovakia, on the grounds that it would result in a stealthy and illegal expansion of EU competences.<sup>25</sup> In recent years, the Government of Hungary has itself actively spoken out against the unlawful extension of EU powers. Thus, if Hungary was to come up with proposals concerning the scope of competences in the field of the protection of national minorities, several member states could accuse the Hungarian Government of supporting the stealthy expansion of competences, which could narrow down Hungary’s room for manoeuvre in other political areas.

<sup>23</sup> Commission of European Communities 2003.

<sup>24</sup> VIZI 2013: 59–62.

<sup>25</sup> See, for example, the arguments submitted by Romania and Slovakia in the court proceedings at the Court of Justice of the EU in the cases on the registration of the MSPI and the ECI on national minority regions.



*Limitation and opportunity – Protection of minorities as a progressive and/or conservative goal*

Another possible limitation on the scope of action of the Hungarian presidency of the EU, but also a possible opportunity, is the particular characteristic of the protection of national minorities that it can be seen as being part of both the conservative and progressive agenda. This partly stems from the fact that the rights of national minorities have both an individual and a community-based collective dimension. The purpose of the individual dimension of national minority rights is to ensure equal treatment for individuals belonging to the minority and the majority by providing them with certain rights through which they can enjoy individual freedom (this approach is fully in line with the individual human rights approach). However, national minority rights also have a collective dimension that aims to protect the group itself in order to maintain the specificity of the minority group, and thus to preserve the values that national minorities represent in the society of the territorial state (this approach goes beyond the human rights perspective, since the concept of human rights is based on individual rights and cannot encompass the community segment).<sup>26</sup>

Accordingly, the progressive approach to the protection of national minorities is based on the freedom and dignity of the individuals belonging to the minority group. The EU, under Article 2 of the TEU, defines respect for the rights of persons belonging to minorities as a fundamental value of the EU. As articulated above, ‘minorities’ under Article 2 shall be interpreted broadly; various different types of minorities are the subject of this provision, including national minorities. These different minority communities obviously struggle with different challenges, but they are united by the fact that the individuals belonging to these groups require special attention in order to ensure that these individuals are not disadvantaged compared to the members of the majority due to their characteristics, those that define the minority group. Additional values of the EU as enshrined in Article 2 of the TEU, such as equality, non-discrimination, tolerance and solidarity, further strengthen this interpretation.

The conservative approach to the protection of national minorities, however, responds to the community dimension of minority rights, that is, to the objective of preserving the characteristics of the minority as a group: the characteristics that are fundamental to preserve its national, linguistic, cultural or religious identity. Regional cultures and national characteristics, including the characteristics of national minorities, enrich Europe, while the language, culture and other elements shaping the identity of national minorities are part of the common European heritage. It is not only the different nations that make Europe truly diverse, but also the languages, cultures and traditions of its national minorities. In this approach, the protection of national minorities and the promotion of the preservation of their identity clearly coincide with conservative objectives.

In practice, however, the European conservative political parties are frequently the biggest obstacles to the EU-level protection of national minorities. A good example

<sup>26</sup> TÁRNOK 2022: 14–21.



for this is the adoption of the resolution on the MSPI in the European Parliament on 17 December 2020, and more specifically the results of the vote. The plenary of the EP adopted the resolution with a large majority; 524 yes, 67 no and 103 abstentions.<sup>27</sup> An analysis of the vote results shows that of the group of the Socialists and Democrats (S&D) and Renew Europe only the Romanian, from the Greens/European Free Alliance only the Spanish, and from the Left (GUE/NGL) only the French representatives voted against the proposal or abstained, while the vast majority of members of these party groups voted in favour of it. The situation was similar in the European People's Party (EPP), where Romanian, Bulgarian, French, Slovak and Czech representatives voted against the proposal or abstained but otherwise the group supported the resolution. The representatives of the political groups Identity and Democracy (I&D) and European Conservatives and Reformists (ECR), however, voted against the MSPI, or abstained during the vote. Among these opponents of the MSPI, and thus of the development of the EU-level protection of national minorities, we find the Polish governing party, Law and Justice (PiS), the Brothers of Italy (Fratelli d'Italia), the Spanish VOX, the French National Rally (RN) led by Marine Le Pen and the German Alternative for Germany (AfD). Of the large European conservative parties only the representatives of the Italian Lega, led by Matteo Salvini, voted in favour of the proposal, and of course the representatives of the Hungarian Fidesz and Christian Democratic People's Party.<sup>28</sup>

This illustrates that while at the European level the left-wing, progressive and centrist political parties, with a few exceptions, supported the proposal aimed at increasing the protection of national minorities, the overwhelming majority of right-wing and conservative parties, with a few exceptions, definitively opposed it.

### *Opportunity – Political legitimacy created by the Minority SafePack Initiative*

From the perspective of the Hungarian presidency, in order to promote the EU-level protection of national minorities, the political legitimacy gained by the MSPI in recent years may be seen as an opportunity. Although the European Commission rejected the package in its entirety on 14 January 2021, without presenting a single legislative proposal or any other action plan,<sup>29</sup> the initiative cannot be considered a complete failure due to the legal options still available to challenge this decision and the political support the organisers have managed to demonstrate in the past few years.

As regards the legal options, on 24 March 2021, the organisers of the MSPI challenged the European Commission's communication at the General Court of the EU requesting the annulment of the Commission's decision. The General Court in its judgment on 9 November 2022, rejected the application upholding the decision of the European

<sup>27</sup> European Parliament 2020.

<sup>28</sup> Minutes of Proceedings. Result of Roll-call Votes – Annex. European Parliament, 17 December 2020.

<sup>29</sup> European Commission 2021.

Commission.<sup>30</sup> The Court concluded that the steps already taken by the EU and other international organisations, such as the Council of Europe, to emphasise the importance of regional or minority languages and to promote cultural and linguistic diversity in the EU, are sufficient to achieve the objectives of the initiative. The organisers, however, took the decision to bring an appeal before the Court of Justice against the decision of the General Court.<sup>31</sup> Therefore, the legal path is still open to the organisers.

As to the political status of the MSPI, in addition to the supporting signatures of more than one million EU citizens, the political legitimacy of the initiative is also demonstrated by the fact that many member state parliaments and governments, as well as the European Parliament, have assured their support for the package. On 17 December 2020, the European Parliament adopted a resolution supporting the MSPI with a large majority (524 in favour, 67 against and 103 abstentions).<sup>32</sup> In the document, the EP supported all the elements of the package and called on the European Commission to present legislative proposals in accordance with the ECI. The organisers and the Federal Union of European Nationalities (FUEN), which coordinates the EU-level campaign of the ECI, have also made remarkable advocacy efforts in recent years in order to gain this broad political support. Besides the European Parliament, several EU member state and regional parliaments also adopted supportive resolutions, such as the German Bundestag (in an unanimously adopted decision), the Hungarian Parliament and the Dutch upper house. This political support can be used as important points of reference for later advocacy, including for the Hungarian presidency, to demonstrate not only the legitimate demands of national minorities, but also the political support behind the proposal in the EU.

Moreover, an ECI rejected by the European Commission can also contribute to the achievement of its goals. Regardless of the Commission's decision, if an ECI managed to successfully thematise its goals in the European Union, it can exert political pressure on decision-makers and thus eventually achieve its objectives. In the case of the *Stop Vivisection* ECI,<sup>33</sup> for example, although the European Commission refused to submit a proposal for a legislative act, the initiative generated both a lively political debate and scientific discourse, including at the European level, and the organisers managed to secure wide media coverage for the initiative, which eventually contributed to promoting animal welfare and protection in the EU.<sup>34</sup> Furthermore, if the European Commission has refused to submit a legislative proposal once, in accordance with an ECI, that not necessarily means that the proposal is buried forever because the Commission may want to take the initiative up again years after rejecting it. This happened in the case of the *Right2Water* ECI.<sup>35</sup> The European Commission initially rejected the initiative,

<sup>30</sup> Judgment of the General Court of 9 November 2022 in Case T-158/21, Citizens' Committee of the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' vs. European Commission.

<sup>31</sup> Federal Union of European Nationalities 2023.

<sup>32</sup> European Parliament 2020.

<sup>33</sup> European Union 2012a.

<sup>34</sup> MENACHE 2016: 386.

<sup>35</sup> European Union 2012b.

as happened with the MSPI, but six years later it submitted a legislative proposal in the scope of the initiative, also referring to the will of EU citizens demonstrated in the course of the signature collection. This scenario is not completely excluded in the case of the protection of national minorities and the MSPI.

### *Opportunity – The example of the European Roma Strategy*

Adopting the European Roma Strategy, as an example of a good practice, might also be seen as an opportunity for the Hungarian presidency to promote the protection of national minorities. During the previous Hungarian presidency, on 19 May 2011, the Council approved the European Commission's communication entitled *An EU Framework for National Roma Integration Strategies up to 2020*,<sup>36</sup> in which the Commission encourages member states to comprehensively promote the social and economic integration of the Roma minority. As a continuation of this communication, the Commission adopted the EU Roma strategy on 7 October 2020.<sup>37</sup> This document defines EU-level objectives, as well as target values and minimum commitments for all member states, which may be supplemented by additional national efforts and EU support depending on national conditions and the number of Roma people living in the territory of each member state. Based on the Roma strategy, the Council finally adopted a recommendation in March 2021.<sup>38</sup> Although neither the EU Roma strategy nor the subsequent Council recommendation is legally binding, it can be considered a step forward from a political point of view, as it provides an overview of the challenges faced by the Roma on a daily basis and offers solutions to address these challenges.

A document similar to the EU Roma strategy would be an important step in order to draw the attention of the EU to the challenges of national minorities in Europe. If the EU truly wants to uphold its fundamental value under Article 2 of the TEU, namely to ensure respect for the rights of persons belonging to minorities, the EU institutions and member states must not turn a blind eye to the concerns affecting almost 10% of the Union. However, unlike the Roma strategy, the central element of the strategy for national minorities should be a guarantee system for the preservation of cultural and linguistic diversity, the sustainability of regional languages and cultures, the preservation of the national, linguistic, religious and cultural characteristics of traditional European regions, and the preservation of the identity of national minorities.

<sup>36</sup> European Commission 2011.

<sup>37</sup> European Commission 2020.

<sup>38</sup> Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation.

## Conclusion

The EU legal framework for the protection of national minorities is weak, but this should not necessarily be the case. Although a comprehensive solution would be the amendment of the Treaties, for political reasons the elevation of the protection of national minorities to the scope of competences of the EU cannot be considered a viable proposition at the moment. Despite this, even within the currently applicable legal framework of the EU, and specifically the Treaties, it should be possible to adopt EU legal acts that ensure actual progress and provide protection to national minorities. However, the European Commission has so far refrained from initiating such legislation, as was seen in the rejection of the MSPI. In addition, several member states categorically reject the promotion of minority protection at the EU level. At the same time, other member states and the European Parliament have also firmly stood up for the need for EU-level protection of national minorities, which represents an opportunity to continue the political discourse.

The two other members of the 2023–2024 EU presidency trio, Belgium and Spain, are not likely to help, and may even actively hinder the Hungarian Government's efforts to promote the protection of national minorities within the framework of the presidency program. In addition, the limits of EU powers significantly limit the Hungarian presidency's scope for effective action. Moreover, if the Hungarian Government attempts to go too far in this matter, it may also incur the disapproval of its partners who also represent a sovereigntist position, and on whom it would otherwise rely on other issues during the rotating presidency.

Moreover, in May 2024 European Parliament elections will be held in the EU member states, as a result of which the new European Parliament is expected to be formed at the beginning of July, and a new European Commission is expected to be elected and to enter office in the autumn of 2024 (after the 2019 EP elections, the new Commission led by Ursula von der Leyen took office on 1 December 2019). Therefore, there will be a change of institutional cycle in the European Union at the time of the Hungarian presidency which may cause additional difficulties in the implementation of the Hungarian presidency's priorities.

In light of all this, there is little chance that the Hungarian presidency will be able to achieve such a resounding success in the protection of national minorities at the EU level that it could result in the adoption of a binding legal act in the short term. In this regard, the Hungarian presidency is hindered by legal and political constraints. Despite this, the Hungarian Government, as a European advocate for the protection of national minorities and because of its responsibility towards Hungarians across the border, cannot omit the topic from its presidency program. As such, a realistic objective may be to put forward a soft proposal using the good practices of the adoption of the EU Roma strategy. Even though this document could not in the short term provide effective legal protection for national minorities, it would be an important stepping stone in the decades-long process that will eventually lead to the establishment of an EU-level guarantee system for the protection of national minorities.

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