



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate D: Equality and Union citizenship
Unit D.1: Non-discrimination and Roma coordination

Dear Petitioners,

Thank you for your letter, in which you call on the European Commission to continue to fight against discrimination in Hungary. I was asked to reply as my unit deals with non-discrimination.

Let me assure you that the Commission is fully committed to addressing inequalities and challenges affecting LGBTIQ people in Europe and is always ready to act whenever it has the competence and legal means to do so. Equality and non-discrimination are core values and fundamental rights in the EU, enshrined in its Treaties and in the Charter of Fundamental Rights.

As the guardian of the Treaties, the Commission conducted a thorough legal assessment of the Hungarian law, which prohibits or limits access to content that promotes or portrays the so-called ‘divergence from self-identity corresponding to sex at birth, sex change or homosexuality’ for individuals under 18; and a disclaimer imposed on children’s book with LGBTIQ content.

Following concerns regarding its compatibility with EU law, the Commission has sent the Hungarian authorities a letter of formal notice on 15 July, establishing which EU law provisions are considered to be violated by the new law. The Commission received a reply from the Hungarian authorities and is currently assessing it.

To contribute to building a Union of Equality, the Commission adopted on 12 November 2020 its first-ever LGBTIQ Equality Strategy. With this Strategy, the Commission aims to reach out to the Member States, including Hungary, by offering tools to advance LGBTIQ rights at the national level. Furthermore, the Commission will continue to closely monitor the situation of LGBTIQ people in the EU and make sure that, when implementing EU law, the principle of non-discrimination is fully respected.

Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the Union budget (‘the Regulation’) applies since 1 January 2021 and aims to protect the EU budget against breaches of the principles of the rule of law that affect or seriously risk affecting its sound financial management or the protection of the financial interests of the Union in a sufficiently direct way. Should all the conditions for the application of the Regulation be fulfilled, the Commission may propose that the Council adopt measures on the Member States, including suspension of payments and commitments. In parallel, the Commission has prepared draft guidelines on the application of the Regulation and consulted the European Parliament and the Member States on them. The Commission is now reviewing all the comments received.

The Regulation complements other procedures established by Union legislation to protect the EU budget and will be applied when those do not protect the budget more effectively. The Commission will continue to use all the instruments available to effectively protect the EU budget.

Yours sincerely,

[E-Signed]
Szabolcs Schmidt
Head of Unit