

**Question for oral answer O-000050/2021  
to the Commission**

Rule 136

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Subject: Breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the adopted legal changes in the Hungarian Parliament

On 15 June 2021 the Hungarian Parliament voted in favour of amendments proposed by Fidesz MPs that severely restrict freedom of speech and children's rights. The final text, which was passed by 157 votes to one, bans LGBTIQ-themed educational programmes and public service advertisements. The changes resemble uncannily the Russian 'anti-LGBTI propaganda' laws, as they ban the 'portrayal and promotion of gender identity different from sex assigned at birth, the change of sex and homosexuality' in schools and in public service advertisements for persons under 18.

This language will be introduced in the following acts: the Child Protection Act, the Act on Business Advertising Activity, the Media Act (all such content will be qualified as category V (unsuitable for minors) and the publication of such content will be banned in public service advertisements), the Family Protection Act and the Public Education Act (such topics cannot be part of sexuality education and schools cannot invite external speakers or NGOs for education on 'sexual culture, sexual life, sexual orientation or sexual development').

Against this background:

1. What is the Commission's position on the adopted legal changes, in particular where they overlap with EU legislation, which is directly applicable and therefore takes primacy over national law? Is the Charter of Fundamental Rights being breached?
2. Does the Commission consider that the discriminatory language introduced in the Media Act constitutes a violation of Article 9 of the Audiovisual Media Services Directive, bearing in mind Articles 11 and 21 of the Charter of Fundamental Rights?
3. Does the Commission consider that the language introduced in the Act on Business Advertising Activity constitutes a violation of the Unfair Commercial Practices Directive?
4. Does the Commission consider that the language introduced in the Business Advertising Activity Act and the Family Protection Act is in breach of the provision on the right to freedom of service and freedom of movement of goods as set out in Article 26 of the Treaty on the Functioning of the European Union?
5. What legal action, if any, is the Commission planning to take regarding infringement procedures over the potential breaches of EU law?

6. What are the Commission's considerations on the connection between the breaches of rule of law and the rights of LGBTI persons, specifically concerning the Rule of Law Conditionality Regulation?
7. What is the Commission's position on potential breaches of Article 21 of the Charter of Fundamental Rights by Hungary when implementing shared management funds such as the European Social Fund+ in a discriminatory way?
8. What is the Commission's view on the implementation of the LGBTIQ Equality Strategy in Hungary in light of these developments?

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Lapses: 23.9.2021