



EUROPEAN COMMISSION

*Brussels, 2.9.2021
C(2021) 6577 final*

*Mr Wolfgang Sobotka
President of the Nationalrat
Dr. Karl Renner-Ring 3
A – 1017 WIEN*

Dear President,

The Commission would like to thank the Nationalrat for its own initiative Opinion on the European Union's common values and the rule of law of 6 July 2021.

The Commission welcomes the commitment expressed by the Nationalrat for the defence of the Union's common values and shares the concerns expressed by the Nationalrat as regards threats to these values. The rule of law, equality and the respect for dignity and human rights are core values of the EU, enshrined in Article 2 of the Treaty of the European Union. The Commission will use all the instruments at its disposal to defend these values.

On 15 July 2021, the Commission launched three infringement procedures for specific violations related to the equality and the protection of fundamental rights of LGBTIQ people, namely two infringement procedures against Hungary and one against Poland¹. The two Member States were each given two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to send them a reasoned opinion and in a further step refer them to the Court of Justice of the European Union.

Furthermore, on 20 July 2021, the Commission adopted the second annual Rule of Law Report, which provides an overview of significant developments, both positive and

¹ On Hungary, one case concerns the recently adopted law, which in particular 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. The other case concerns a disclaimer imposed on a children's book with LGBTIQ content.

In relation to Poland, the Commission considers that Polish authorities failed to fully and appropriately respond to its inquiry regarding the nature and impact of the so-called “LGBT-ideology free zones” resolutions adopted by several Polish regions and municipalities.

More background information on each individual case is available at:
https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668

negative, related to the rule of law in all Member States covering four pillars: the justice system, the anti-corruption framework, media pluralism and freedom and other institutional issues related to checks and balances².

The Commission is fully committed to enforcing the Regulation on a general regime of conditionality for the protection of the Union budget and is actively working on its concrete application. The Commission is currently consulting the European Parliament and the Member States on guidelines, which will set out in more detail how the Commission envisages to apply the Regulation in practice. At the same time, the Commission is monitoring possible cases. The Regulation applies as of 1 January 2021, and any breach that occurs from that day onwards will be covered.

As regards the procedure under Article 7 of the Treaty on European Union, the Commission recalls that the organisation of hearings under the procedure is the responsibility of the Council. The Commission will continue to support the Council in the continuation of the Article 7 procedures so as to resolve the issues at stake.

The Commission hopes that these clarifications address the issues raised by the Nationalrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Didier Reynders
Member of the Commission*

² COM(2021) 700 final. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report_en