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JUSTICE, FUNDAMENTAL RIGHTS AND CITIZENSHIP

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*Brussels, 26 August 2011
Ares link(2011)864301*

Dear Mr Rajk,

Thank you for your letter of 8 August 2011 in which you express concerns over religious freedom in Hungary. In particular, you mention that, under a new law on churches, only a limited number of religious denominations have been allowed to retain their official recognition and the rights attached to it.

Respect for religious freedom is a core value of the European Union which, as you underline, is expressed in the Charter of Fundamental Rights of the European Union and in the European Convention on Human Rights. Furthermore, Directive 2000/78/EC¹ prohibits discrimination based on religion (as well as on sexual orientation, age and disability) in employment.

The European Union maintains an open, transparent and regular dialogue with churches, religious associations and communities, with philosophical and non-confessional organisations, in line with the Treaties. The most recent meeting took place on 30 May 2011, where religious leaders met with Presidents José Manuel Barroso, Herman Van Rompuy and Jerzy Buzek.

It should be underlined, however, that under the Treaty on European Union and the Treaty on the Functioning of the European Union, the European Commission has no general powers to intervene with the Member States in the area of fundamental rights. It can only do so if an issue of European Union law is involved. According to Article 51(1) of the Charter of Fundamental Rights of the European Union, the provisions of the Charter are addressed to the Member States only when they are implementing Union law and Article 6(1) of the Treaty of the European Union states that "The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties".

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¹ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303 , 02/12/2000, p. 16

In particular, the legal status of religious communities is an issue which falls exclusively under the competence of EU Member States, as clearly stated in Article 17 (1) of the Treaty on the Functioning of the European Union. As a result, and unless a link with EU law can be shown, the European Commission has no competence over issues relating to the national policy as regards religious institutions. In such cases, it is up to the Member States to ensure that fundamental rights are respected and effectively protected, in accordance with their national laws and international obligations.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a long, horizontal stroke that tapers to the right.