



M.me Ursula Von der Leyen
President of the European Commission

M.me Hadja Lahbib
Commissioner for Equality
Preparedness and Crisis Management

Mr. Michael Mc Grath
Commissioner for Democracy, Justice,
the Rule of Law and Consumer Protection

Mr. Stéphane Sejourné
Commissioner for Prosperity and Industrial Strategy

April, 24 2025

Subject: Budapest Pride 2025

Dear President, dear Commissioners,

We are writing as civil society organisation of European entrepreneurs, managers, professionals LGBTQIA+ and allies. European Pride Business Network (EPBN) is a politically independent European umbrella organisation established in May 2022 that today has 21 members in 16 European countries, outside and inside the Union.

We write to you because the violation of LGBTQIA+ rights in Hungary has assumed unacceptable proportions that require immediate condemnation by the European Union and the swift adoption of effective actions.

The Budapest Pride, as every other major Pride event all over Europe, is a usual gathering for our members, where they enjoy many of the rights - civil, social and economic rights - enshrined in the EU Treaties, in the Charter of fundamental rights of the EU and in the European Convention of Human Rights.

We are witnessing in shock and anger the Hungarian institutions betraying their commitment to the European Union values and their recent crackdown – through the newly introduced Section 13/A Freedom of Assembly Act and an amendment to the Constitution - on the rights of LGBTIQ+ people to peacefully assemble and demonstrate, express their ideas and even doing all the economic activities that occur during the Pride on a non-discriminatory basis.

In addition to the provisions of Articles 2, 3 and 7 of the TEU, we would like to emphasise with regard to this last specific point that even if Member States enjoy the power of setting the rules regarding conditions under which demonstrations are to be held, the jurisprudence of the Court of Justice is unequivocal in stating that when a situation is covered by Union law - such as in cases where the free movement of persons and provision of services are at stake - Member States, while exercising powers of their unquestionable competence that have not been transferred to the Union, “*must comply with Community law, in particular the provisions on the freedom to provide services*” (CJEU, judgement September 11, 2007, in Case C-76/05, *Schwarz*, ECLI:EU:C:2007:492, § 70). The obligation is clear and consistent in the CJEU case law¹.

Therefore, although the Union does not have the power to adopt acts in this matter, the exercise of State powers cannot nonetheless be exercised in defiance of Union law.

It is clear that the Hungarian legislation constitutes, in the first instance, an outrage against the values of the Union as it denies the right to assemble to peacefully express one's opinion and to the violation of these we refer as European citizens. But as managers, professionals and entrepreneurs we also want to bring to your attention that among the European values and rights that Hungary betrays with these laws are also those of the free market.

The Budapest pride set of events actually includes economic activities such as, among others, marketing, sponsoring and communications, professional artists performances, gadgets distribution and sale, audiovisual and IT services, food and beverage supply. Such economic activities are performed not only by Hungarian providers but by economic operators from other EU countries.

The newly introduced prohibitions are in stark contrast with Art. 56 TFEU and Arts. 16 and 19 of Dir. 2006/123/EC and with the exercise of our rights under those laws on a non-discriminatory basis pursuant to Arts. 7, 12, 16, 21 of the CFREU. Discrimination against Pride events based on sexual orientation and gender identity is contrary to basic European values and rights and is inadmissible (see ECHR, judgement *Genderdoc c. Moldova*, June 12, 2012, §§

¹ see, among many, CJEU, judgment of March 2, 2012, in Case C-135/08, *Rottmann*, §41. CJEU, judgment of October 2, 2003, in Case C-148/02 *Garcia Avello*, EU:C:2003:539, §25; CJEU, Grand Chamber, judgment of June 5, 2018 in Case C-673/16, *Coman*, EU:C:2018:385, §36-39; CJEU, judgment of December 14, 2021, in Case C-490/20, *Pancharevo*, EU:C:2021:1008, §52; CJEU, Grand Chamber, judgement of September 7, 2022, in Case C-391-20, *Boriss Cilevičs et al.*, ECLI:EU:C:2022:638, § 59.

53-54). The Commission already clarified that discrimination based on sexual orientation and gender identity in the enjoyment of rights and liberties granted by EU law is illegal (see Case C-769/22, EC v. Hungary).

Moreover, Article 56 TFEU confers rights not only on the provider of services, but also on the recipients of services. According to this case law, the freedom to provide services also includes the freedom for recipients of services to obtain them and to travel to another member state to receive a service there.

Based on the case law of the Court of Justice, there is no doubt that the Commission has the power and the duty to examine, in its role as guardian of the Treaties under Art. 17 TEU, the compatibility of laws and rules in the field of freedom of assembly with the EU Treaties and draw from them all appropriate assessments and measures (see also INFR(2024)2001).

We call upon the Commission to take an immediate stance to uphold our rights as European citizens, consumers and economic operators and defend the credibility of the internal market and rule of law.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthias Weber', with a stylized, cursive script.

Matthias Weber

Chairman EPBN