

**Question for written answer E-001428/2012  
to the Commission**

Rule 117

**Michael Cashman (S&D), Ulrike Lunacek (Verts/ALE), Sophia in 't Veld (ALDE), Raúl Romeva i Rueda (Verts/ALE), Sirpa Pietikäinen (PPE), Kinga Göncz (S&D), Zita Gurmai (S&D), Csaba Sándor Tabajdi (S&D) and Baroness Sarah Ludford (ALDE)**

Subject: New Hungarian law on religion and compatibility with EU equal treatment legislation

In Hungary, Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and on the Legal Status of Churches, Religious Denominations and Religious Communities came into force recently. This act provides that 'since church institutions are ideologically committed, they may determine such conditions concerning recruitment and the establishment, maintenance and termination of the legal relationship of employment as are necessary to preserve their specific identity' (Article 12 (2)).

This wide-ranging provision appears to significantly increase some employers' margin of appreciation for discrimination in comparison with Article 4 (2) of Directive 2000/78/EC on establishing a general framework for equal treatment in employment and occupation. In particular, it appears that the aforementioned law:

- disregards the criterion 'genuine, legitimate and justified occupational requirement', as set forth in Directive 2000/78/EC, and
- extends the exemption to grounds other than religion and belief, in breach of Directive 2000/78/EC.

In the light of the above, can the Commission explain in detail whether Act CCVI of 2011 on the Right to Freedom of Conscience and Religion, and on the Legal Status of Churches, Religious Denominations and Religious Communities is compatible with EU law, and in particular with Directive 2000/78/EC? If it is not, will the Commission undertake legal action to bring these texts in line with the *acquis*?