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Answer given by Mr Reynders
on behalf of the European Commission
(23.8.2021)

The respect of the rights of persons belonging to minorities is one of the founding values of the European Union and a principle explicitly mentioned in the Treaty on European Union. Moreover, any discrimination on the basis of ethnic origin or membership of a national minority is explicitly prohibited under Article 21 of the Charter of Fundamental Rights of the European Union, while the right to property is enshrined in Article 17 of the Charter. However, according to its Article 51(1), the provisions of the Charter are addressed to the Member States only when they are implementing Union law.

The Commission considers that the ‘Beneš decrees’ are historical acts, undertaken by the authorities of the former Czechoslovakia prior to accession to the European Union and without continuing legal effects which would be contrary to Union law. Therefore, this matter falls under national competence and it is for the Slovak authorities to ensure that fundamental rights are effectively respected and protected in accordance with their national law and international human rights obligations.