



24.7.2020

NOTICE TO MEMBERS

Subject: Petition No 0757/2019 by Simon Reinelt (Hungarian) on no-kids-allowed policies in the hospitality industry

1. Summary of petition

The petitioner protests against no-kids-allowed policies used by many hotels in the European Union and the world and points out that these are a violation of the fundamental rights of children and amount to discrimination based on age. He calls on the EU to put an end to these discriminatory practices and be at the forefront of the defence of children's rights.

2. Admissibility

Declared admissible on 18 December 2019. Information requested from Commission under Rule 227 (6).

3. Commission reply, received on 24 July 2020

The Commission's observations

The prohibition of discrimination on different grounds such as age is enshrined in Article 10 of the Treaty on the Functioning of the European Union (TFEU) and Article 21(1) of the Charter of Fundamental Rights of the European Union. Moreover, Article 24 of the Charter protects the rights of the child.

Nevertheless, under the Treaties on which the European Union is based¹, the Commission has no general powers to intervene with Member States in the area of fundamental rights. It can only do so if an issue of European Union law is involved. According to its Article 51(1), the Charter applies to Member States only when they are implementing European Union law.

¹ Treaty on European Union and Treaty on the Functioning of the European Union.

Moreover, Article 6(1) of the Treaty of the European Union states that, “[t]he provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties”.

According to the information provided in the petition, it does not seem that the issue raised by the petitioner relates to the implementation of EU law, including secondary law such as the Services Directive².

In such cases, it is for Member States, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international human rights obligations.

Conclusion

For the reasons set out above, the Commission has no basis to follow up on the issue raised by the petitioner.

² Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006, p. 36–68.