

Infringement ruling tests whether Magyar will Put pro-EU commitments into practice

[Press Release, Court of Justice of the European Union, Hungary](#)

Europe's highest court has ruled Hungary's anti-LGBT law violates EU Treaties, multiple EU laws and the EU Charter. For the first time in the history of the CJEU, the court found a standalone violation of TEU Article 2 for systemically undermining the rights of a minority group, dehumanising LGBTI people. That's a problem Péter Magyar can't ignore, according to Europe's leading LGBTI organisation. His pro-EU stance is only credible with a clear commitment to the withdrawal of the law and Pride ban, and we have not seen that yet.

Today, the Court of Justice of the European Union (CJEU) ruled that Hungary's 2021 "anti-LGBTI propaganda" law breaches Article 2 of the Treaty on the European Union (TEU), which enshrines the Union's fundamental values, as well as, multiple EU directives, and several provisions of the Charter of Fundamental Rights.

The Court decided that by adopting this law, Hungary infringed the freedom to provide and receive services as enshrined in the Treaties, as well as in various provisions of the e-Commerce Directive, the Services Directive and the Audiovisual Media Services Directive. Second, the Court decided that Hungary's law constitutes a particularly serious interference with several fundamental rights protected by the Charter of Fundamental Rights, namely the prohibition of discrimination based on sex or sexual orientation, respect for private and family life and the freedom of expression and information and the right to human dignity.

Importantly, the Court also found a separate infringement of Article 2 TEU. According to the Court, it means that that law is contrary to the very identity of the Union as a common legal order in society in which pluralism prevails. Finally, the Hungarian legislation also breaches the General Data Protection Regulation ("GDPR") as well as the right to the protection of data guaranteed by the Charter.

This same legal framework also paved the way for subsequent measures in Hungary, including the banning and criminalisation of Pride marches.

In 2021, when the law was introduced, ILGA-Europe, together with the Hungarian LGBTI organisation Háttér Society, immediately alerted the European Commission that the discrimination it set out was against EU rules and the Treaties.

'With this ruling, the CJEU is confirming what we have been saying for six years,' says ILGA-Europe's deputy director, Katrin Hugendubel. "There is now no excuse for the Commission not to require Hungary to quickly withdraw the law. Hungary cannot enter a post-Orbán era without repealing this legislation, including the Pride ban. If Péter Magyar truly aims to be pro-EU, he must place this at the top of his agenda for his first 100 days in office, as an essential part of his EU facing reforms.

"If, despite today's ruling, Hungary still does not comply and withdraw the legislation without delay, the EU can no longer stand by and claim the need to analyse the situation. The highest EU Court has ruled and the Commission should demand implementation in due time and otherwise not hesitate to refer Hungary back to the Court."

Echoing this call, Eszter Polgári of Hungarian LGBTQI organisation, Háttér Society said: “Today’s judgment marks a milestone for protecting human rights in the European Union and also constitutes a historic victory for LGBTQI people in Hungary. The CJEU for the first time found an independent violation of TEU Article 2 for systemically undermining the rights of sexual and gender minorities in Hungary, portraying them as a threat, denying their existence from minors. The CJEU was firm: no state can outcast LGBTI people through stigmatising, and if needed, the CJEU steps up to protect these values.”

Background

The Commission initiated the infringement procedure C-769/22 (the “EU values” case) in July 2021 and referred Hungary to the CJEU in July 2022. It was joined in this procedure by 16 Member States (Austria, Belgium, France, Denmark, Estonia, Finland, Germany, Greece, Ireland, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden, among which 12 also intervened at the hearing) and the European Parliament that intervened in support of the Commission’s position.

The Commission asked the CJEU to declare that, by adopting this law, Act LXXIX of 2021, Hungary has failed to fulfil its obligations under EU law. The Commission argued that the Hungarian state had seriously and blatantly violated EU law by passing a law that stigmatises the LGBTI community under the guise of “child protection”. In the Commission’s view, this infringement was systemic, intentional and widespread, and constituted a serious violation of Article 2 of the Treaty on European Union (TEU). This provision enshrines the fundamental values of the EU, including the obligation of Member States to respect human dignity, freedom, equality, the rule of law and the rights of persons belonging to minorities.

The Commission also claimed that Hungary violated rights enshrined in the EU Charter of Fundamental Rights, such as the right to human dignity, freedom of expression, the right to private and family life and the prohibition of discrimination, as well as GDPR and directives on electronic commerce, on services in the internal market and on audiovisual media services.

On 5 June 2025, Advocate General ?apeta issued her Opinion, proposing that the Court find Hungary in violation of EU law on all grounds raised by the European Commission.

What the Court said in its ruling

First, the Court decided that the law infringes the freedom to provide and receive services, which is enshrined in the Treaties, as well in various provisions of the e-Commerce Directive, the Services Directive and the Audiovisual Media Services Directive.

Second, the Court considered that the law constitutes a particularly serious interference with several fundamental rights protected by the Charter, namely the prohibition of discrimination based on sexual orientation and sex, respect for private and family life, freedom of expression and information and the right to human dignity. It is the first time that the Court considers that “gender identity” is protected as a discrimination ground under Article 21 of the Charter. According to the Court, Hungary’s law stigmatises and marginalises LGBTI people.

Third, and importantly, the Court found a separate infringement of Article 2 TEU, which sets out the EU’s fundamental values. According to the Court, the legislative amendments constitute a coordinated series of discriminatory measures which are in breach, in a way that is both manifest and particularly serious, of the rights of LGBTI persons as well as the values of respect for human dignity, equality and respect for human rights, including the rights of persons belonging to minorities. As such, that law is contrary to the very identity of the Union as a common legal order in a society in which pluralism prevails and Hungary cannot validly rely on its national identity as a justification for adopting that law.

Fourth, the Court found that the Hungarian legislation also breaches the GDPR, as well as the right to the protection of data guaranteed by the Charter.