

EN
E-003075/2026
Answer given by Mr McGrath
on behalf of the European Commission
(18.9.2026)

In the cases referred to by the Honourable Member, the Court of Justice ruled that, as EU law stands, a benefit intended to compensate civilian victims of war or repression for physical or mental harm which they have suffered falls within the competence of the Member States. However, Member States must exercise that competence in accordance with EU law¹.

Article 18 of the Treaty on the Functioning of the European Union prohibits discrimination on grounds of nationality for matters that fall within the scope of EU law. In view of the case-law, there are no indications that the situation referred to by the Honourable Member falls within the scope of EU law.

As far as Council Directive 2000/43/EC ('Racial Equality Directive')² is concerned, that Directive prohibits discrimination on the grounds of racial or ethnic origin in certain well-defined fields, including social protection. However, the Racial Equality Directive does not cover discrimination based on nationality³. The Court of Justice clarified that a person's nationality cannot, in itself, give rise to a presumption of belonging to a particular ethnic group⁴.

¹ Judgment of the Court of Justice of 22 May 2008, *Nerkowska*, C-499/06, EU:C:2008:300, paragraphs 23-24 and case-law cited.

² <https://eur-lex.europa.eu/eli/dir/2000/43/oj/eng>.

³ Recital 13 and Article 3(2) of the Racial Equality Directive.

⁴ Judgment of the Court of Justice of 18 December 2025, *Slagelse Almennyttige Boligselskab, Afdeling Schackenborgvænge*, C-417/23, ECLI:EU:C:2025:1017, paragraph 81.