(English version)

Priority question for written answer P-000977/25
to the Commission
Mélissa Camara (Verts/ALE)
(6 March 2025)

Subject: Unlawful receipt of EU funds by Polish local authorities maintaining discriminatory 'Family Rights Charters'

In Poland, three local authorities — Dębica, Dębica County, and Łańcut County — maintain discriminatory 'Family Rights Charters', creating 'LGBT-free zones'. According to the Partnership Agreement and the Charter of Fundamental Rights, authorities with discriminatory policies should be ineligible for EU funding. However, Dębica and Łańcut counties have received EU funds, falsely declaring compliance with non-discrimination principles.

In December 2023, the matter was reported to the Polish public prosecutor, which declined to investigate, a decision upheld by the courts. A complaint was then submitted to the Commission in September 2024, highlighting violations of EU funding rules. In November 2024, the Commission decided to close the case.

The closure of the case raises concerns about the enforcement of EU rules regarding discriminatory policies and the continued existence of 'LGBT-free zones' in Poland, in contradiction to EU fundamental rights.

Can the Commission clarify:

1. What legal grounds were used to justify closing the complaint, despite the apparent breach of EU funding rules?

2. What steps does the Commission intend to take to ensure that EU funds are not unlawfully granted to authorities that uphold discriminatory policies?

3. How will the Commission address the fact that 'Family Rights Charters' still exist in Poland, despite their incompatibility with EU fundamental rights?

Submitted: 6.3.2025

Answer given by Executive Vice-President Mînzatu on behalf of the European Commission
(2 April 2025)

Under the EU Cohesion Policy, the rules require Member States and the Commission to prevent discrimination in the preparation and implementation of programmes supported by the funds. ([1]) In addition, the funds have to be implemented in compliance with the EU Charter of Fundamental Rights (the Charter). ([2])

Poland introduced an anti-discrimination clause in its 2021-2027 Cohesion programmes that ensures that Cohesion policy support will only be provided to projects and beneficiaries that comply with the anti-discrimination provisions of the Common Provisions Regulation (CPR).

Moreover, where the beneficiary is a local authority (or an entity controlled by or dependent on it) which has taken any discriminatory action support under cohesion policy cannot be granted.

As regards the complaint on the 'Family Right Charters', the Commission closed it since the matter is being addressed at national level with the Polish Ministry of Development Funds and Regional Policy having requested the Polish Ombudsman to assess this matter.

The Ombudsman has conducted a detailed assessment of the content of these charters. Currently, the local governments are analysing the Ombudsman's comments to address his concerns. ([3])

The Commission remains committed to protect LGBTIQ (lesbian, gay, bisexual, trans, non-binary, intersex and queer) rights in the EU, as set out in the framework of the LGBTQ Equality Strategy 2020-2025 ([4]).

([1]) Article 9 (3) of Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy — https://eur-lex.europa.eu/eli/reg/2021/1060/oj/eng

([2]) Article 9 (1) of Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 — https://eur-lex.europa.eu/eli/reg/2021/1060/oj/eng

([3]) https://bip.brpo.gov.pl/pl/content/rpo-samorzadowa-karta-praw-rodzin-watpliwosci-odpowiedzi

([4]) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0698

As announced in the Commission President's Political Guidelines ([5]) and in the 2025 Commission Work Programme ([6]), the strategy will be renewed beyond 2025.

As guardian of the Treaties, the Commission will continue to make sure that, when implementing EU law and EU-funded programmes, the principle of non-discrimination is fully respected.

([5]) https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf
([6]) https://commission.europa.eu/document/download/7617998c-86e6-4a74-b33c-249e8a7938cd_en?filename=COM_2025_45_1_annexes_EN.pdf