

## AMNESTY INTERNATIONAL'S COMPLAINT TO THE EUROPEAN COMMISSION REGARDING THE "LOCAL IDENTITY PROTECTION" ACT OF 2025 AND THE MUNICIPALITY DECREES ADOPTED ON THE BASIS THEREOF

22 December 2025

### I. Description of facts/problem

The fifteenth amendment to Hungary's Fundamental Law restricted the freedom of choice of residence by stipulating that "the exercise of this right shall not infringe upon the fundamental right of Hungary's local communities to self-identity". Subsequently, the Parliament enacted Act XLVIII of 2025 on the Protection of Local Identity<sup>1</sup> (Hövtv.), which entered into force on 1 July 2025. According to the explanatory memorandum to Hövtv., the purpose of the law is to enable municipalities to regulate "the development of their settlements, preserving their traditions, social order, and values" in order to "determine who can move into the settlement, who the community wishes to live with", and to provide them with the opportunity to restrict the acquisition of real estate by persons without local ties by establishing a right of first refusal, or to restrict their move-in by requiring them to pay a settlement fee and/or by prohibiting or imposing conditions on the establishment of a residence (these are the so-called legal protection measures). Municipalities are free to decide which legal protection measures to use within the framework of the Hövtv. Any sales contract concluded in violation of a municipality decree is null and void, and persons establishing residence in violation of a municipality decree may be subject to a fine.

The rules on the application of the legal protection measures of the Hövtv. are set out in Government Decree no. 240/2025. (VII. 31.).

Based on the authorization of the Hövtv., 180 municipalities have issued decrees by 3 December 2025.

The public support for exclusionary decrees and the social mandate of municipalities to enact such decrees are highly questionable, given the cases where local (municipality) decree was preceded by some level of social consultation and where the result was that the municipalities concerned did not adopt decrees in accordance with Hövtv. (see the municipality of Örkény). Consequently, municipality decrees do not reflect real local public needs. Moreover, "it was not primarily the large municipalities, which have to contend with a large influx of population and the resulting increased pressure on infrastructure, that took advantage of the opportunity to enact

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<sup>1</sup> <https://net.jogtar.hu/jogsabaly?docid=a2500048.tv>

such decrees"<sup>2</sup>, and “most of them have little to do with protecting local identity; but rather seek to restrict the arrival of (even) poorer people”<sup>3</sup>.

The number of municipalities adopting exclusionary decrees is growing rapidly, with entire regions making it impossible for disadvantaged social groups to settle there, which reduces the social mobility of such populations and increases their residential and educational segregation.<sup>4</sup>

## II. The Hövtv. and the municipality decrees adopted on its basis conflict with several EU laws

Neither the Hövtv. itself nor Article XXVII(1) of the Fundamental Law defines the concept of “local identity”, which leaves room for broad, arbitrary, and unlimited interpretation by municipalities. Similarly, some of the conditions are difficult to interpret, as they require some kind of future promise (e.g. making a declaration of intent to settle permanently, or a promise to establish a residence, respecting the cultural values of the community, participating in community events, and integrating into the local community), which are subjective, non-verifiable conditions that can easily provide grounds for exclusionary decisions. In doing so, **the Hövtv. violates the principles of predictability, legal certainty, and protection against arbitrariness, which are guarantees of the rule of law, and thus the fundamental values of the EU under Article 2 TEU.**

Section 8 of the Hövtv. **grants a right of first refusal** to the municipality, the owner of the adjacent property, and the owner of property in the settlement in the event of an intention to purchase real estate there, which **infringes on the free movement of capital between Member States and thus Article 63 TFEU**, as it restricts without a legitimate objective private individuals, including EU citizens, from purchasing real estate. The term “local identity” cannot be clearly defined and is therefore not suitable for restricting a fundamental freedom of the EU. Even if we were to accept it as an objective term, there are means other than the right of first refusal that are more suitable and less restrictive for protecting culture, values and lifestyle. In the Flemish Libert case (C-197/11 and C-203/11), the Court of Justice of the European Union ruled that, in addition to infringing the right to free movement and residence, linking the acquisition of local real estate to local ties

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<sup>2</sup> MESSING, Vera: A “Helyi önazonosság védelméről” szóló törvény alapján született helyi rendeletek nyers elemzése [A raw analysis of municipality decrees based on the law on the protection of local identity], December 2025,

[https://www.researchgate.net/publication/398959652\\_A\\_Helyi\\_onazonossag\\_vedelmerol\\_szolo\\_torveny\\_alapjan\\_szuletett\\_helyi\\_rendeletek\\_nyers\\_elemzese](https://www.researchgate.net/publication/398959652_A_Helyi_onazonossag_vedelmerol_szolo_torveny_alapjan_szuletett_helyi_rendeletek_nyers_elemzese) (in Hungarian), p. 3.

<sup>3</sup> MESSING, Vera: A “Helyi önazonosság védelméről” szóló törvény alapján született helyi rendeletek nyers elemzése [A raw analysis of municipality decrees based on the law on the protection of local identity], December 2025,

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<sup>4</sup> MESSING, Vera: A “Helyi önazonosság védelméről” szóló törvény alapján született helyi rendeletek nyers elemzése [A raw analysis of municipality decrees based on the law on the protection of local identity], December 2025,

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("sufficient connection" with the settlements) constitutes a restriction on the free movement of capital.

Although Section 4 of the Hövtv. stipulates that municipalities must apply the legal protection measures without violating human dignity, without unjustified discrimination, and in accordance with the requirement of equal treatment, this does not provide sufficient protection against abuse, as the Hövtv. grants municipalities overly broad legislative powers. Practice also confirms that municipalities have adopted exclusionary decrees by, for example, imposing requirements<sup>5</sup> on new residents for establishing a residence such as a clean criminal record, employment, social security status, regular income, professional qualifications, educational qualifications, no public debt, proof that children attend school, regulations on apartment size/living space per person, or settlement contributions. Although these requirements appear to be neutral, **they disproportionately affect poor people and people of Roma origin<sup>6</sup>**, who are overrepresented among socially disadvantaged people, and **therefore constitute direct discrimination based on social origin and indirect discrimination on the basis of ethnicity**.

Furthermore, the possibility of personal interviews provided for in the decrees, as well as the "equity clauses" – which empower municipalities to grant local residence permits even if the applicant does not meet the conditions of the decree – together provide broad discretionary powers, and may allow for exclusion based on ethnicity or other protected characteristics, and such unpredictable, discriminatory, and arbitrary decision-making undermines legal certainty. Furthermore, some municipalities require that no criminal proceedings may be ongoing against and applicant, which violates the principles of equal treatment and the rule of law, as well as the presumption of innocence. **Thus, the overly broad powers granted by the Hövtv. and the decrees violate the fundamental values of the EU under Article 2 TEU (non-discrimination, rule of law), Article 18 TFEU, the Racial Equality Directive (Council Directive 2000/43/EC, Article 2(2)(b)), and Article 21 of the Charter of Fundamental Rights.**

Moreover, the discrimination described in the previous paragraph is systemic, as the overly broad powers granted to municipalities under the Hövtv. allow them to abuse this opportunity and engage in segregation.

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<sup>5</sup> Amnesty International, *A Hövtv. szerinti, településre beköltözést korlátozó helyi önkormányzati rendeletek feltételei és kizáró okai* [Conditions and grounds for exclusion in municipality decrees restricting migration to settlements under the Hövtv.], 3 December 2025, <https://www.amnesty.hu/wp-content/uploads/2025/12/A-Hovtv.-szerinti-telepulesre-bekoltozest-korlatozo-helyi-onkormanyzati-rendeletek-feltetelei-es-kizaro-okai.pdf> (in Hungarian)

<sup>6</sup> Indirect discrimination against Roma is supported by the fact that most of the municipalities that drafted the decrees are located in counties with a significant Roma population and the highest levels of income poverty. The exclusionary decrees are also geographically concentrated in areas where social mobility is least prevalent.

Furthermore, according to the relevant raw analysis attached, "summarizing the data on the exclusion of the poor, we see that two-thirds (107) of the 163 municipalities have adopted decrees that have an exclusionary effect on the poor, especially families with many children." See MESSING, Vera: *A "Helyi önazonosság védelméről" szóló törvény alapján született helyi rendeletek nyers elemzése* [A raw analysis of municipality decrees based on the law on the protection of local identity], December 2025, [https://www.researchgate.net/publication/398959652\\_A\\_Helyi\\_azonossag\\_vedelmerol\\_szolo\\_torveny\\_alapjan\\_szulettet\\_helyi\\_rendeletek\\_nyers\\_elemzese](https://www.researchgate.net/publication/398959652_A_Helyi_azonossag_vedelmerol_szolo_torveny_alapjan_szulettet_helyi_rendeletek_nyers_elemzese) (in Hungarian)

Article 21 TFEU and Article 45 of the Charter of Fundamental Rights guarantee EU citizens the **right to freedom of movement and residence**, which may only be restricted on grounds of public policy, public security or public health [Directive 2004/38/EC of the European Parliament and of the Council, Article 27(1)]. However, the “protection of local identity” does not fall within this scope, and therefore the Hövtv. and municipality decrees **are contrary to EU law**.

Making the registration of residence or place of stay conditional or prohibiting it not only **restricts EU citizens** in their freedom to choose their place of residence, but also **in their right to exercise their right to vote** in European Parliament and local elections at their chosen place of residence, which is **contrary to Articles 22(1) and (2) TFEU and Articles 39 and 40 of the Charter of Fundamental Rights**.

Certain municipality decrees **link settlement to knowledge of the Hungarian language or possession of Hungarian documents, thereby disadvantaging EU citizens who do not speak Hungarian or are not Hungarian citizens**<sup>7</sup>, without any legitimate reason (public order, public safety, public health). Related to this, discrimination based on nationality is also raised by the fact that, based on municipality decrees, it is unclear how a foreigner, even an EU citizen, can prove their social security status or child protection status in Hungary.

Making it difficult to establish a place of residence also jeopardizes children's right to be raised in a family. In Hungary, children from poor and mostly Roma families who find themselves in a housing crisis are often singled out. In this regard, we would like to draw attention to the fact that several municipalities include among their grounds for prohibition to establish a residence if a child is in basic care, involved in guardianship proceedings, or under childcare protection, which makes it more difficult for families to be reunited, limits the options available to families in crisis, and hinders family reunification. Thus, **the Hövtv. and these decrees violate Article 24 of the Charter of Fundamental Rights**.

### **III. Relations with Member State authorities**

Although the former Deputy Commissioner for the Protection of National Minority Rights drew attention to violations of rights – and her comments support the findings contained in this submission – the Commissioner for Fundamental Rights deleted the warning from its website instead of investigating the matter. (The deleted document is available here: <https://www.amnesty.hu/a-torolt-ombudsmanhelyettesi-allasfoglalasok/>)

To our knowledge, the measures proposed by the Deputy Commissioner were not taken by the addressees (the legislator and the competent state authorities). At the same time, Amnesty

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<sup>7</sup> Amnesty International, *A Hövtv. szerinti, településre beköltözést korlátozó helyi önkormányzati rendeletek feltételei és kizáró okai* [Conditions and grounds for exclusion in municipality decrees restricting migration to settlements under the Hövtv.], 3 December 2025, <https://www.amnesty.hu/wp-content/uploads/2025/12/A-Hovtv.-szerinti-telepulesre-bekoltozest-korlatozo-helyi-onkormanyzati-rendeletek-feltetelei-es-kizaro-okai.pdf> (in Hungarian), pp. 16-17.

International Hungary sent freedom of information requests to the Hungarian government offices<sup>8</sup> about their legality oversight measures taken in accordance with the Act CLXXXIX on local municipalities (Mötv.) – their answers are included in the appendix. We conclude from these that although the government offices carried out several inspections and initiated legality supervision procedures in some places, only in three cases (counties of Baranya, Komárom-Esztergom, Zala) did municipalities repeal a decree or decide not to bring it into force.

#### IV. Other

In support of our complaint, we enclose a list of the personal conditions imposed by municipality decrees adopted on the basis of the Hötv.<sup>9</sup>

There were several municipalities that adopted exclusionary decrees under the Hötv. and received EU funding. Between 2021 and 2025, among others the following Hungarian municipalities adopting decrees under the Hötv. won tenders supported by the European Union (exemplary list):

- Acsalag<sup>10</sup>
- Pilis<sup>11</sup>
- Török<sup>12</sup>
- Zabar<sup>13</sup>
- Eperjes<sup>14</sup>

The above municipalities are mentioned only as examples; further investigation is needed to determine which of the municipalities that adopting a decree under the Hötv. received EU funding. In any case, it is a fact that, according to EU rules, Member States must take appropriate steps to prepare, implement, and monitor EU funding programs implementation, and monitoring of EU funding programs “in order to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age, or sexual orientation”<sup>15</sup>. Given that municipalities receiving EU funds are engaging in discrimination as described above, the decrees of these municipalities violate certain Thematic Enabling Conditions<sup>16</sup> set out in (EU)

<sup>8</sup> The Government Offices of Borsod-Abaúj-Zemplén, Hajdú-Bihar, Heves, Nógrád, Szabolcs-Szatmár-Bereg, and Zala counties on 12 November 2025, and to the other government offices on 26 November 2025.

<sup>9</sup> Amnesty International, *A Hötv. szerinti, településre beköltözést korlátozó helyi önkormányzati rendeletek feltételei és kizáró okai* [Conditions and grounds for exclusion in municipality decrees restricting migration to settlements under the Hötv.], 3 December 2025, <https://www.amnesty.hu/wp-content/uploads/2025/12/A-Hovtv.-szerinti-telepulesre-bekoltozest-korlatozo-helyi-onkormanyzati-rendeletek-feltetelei-es-kizaro-okai.pdf> (in Hungarian)

<sup>10</sup> <https://www.palyazat.gov.hu/eredmenyek/tamogatott-projektek/33919620141561>

<sup>11</sup> <https://www.palyazat.gov.hu/eredmenyek/tamogatott-projektek/3608900201>

<sup>12</sup> <https://www.palyazat.gov.hu/eredmenyek/tamogatott-projektek/3602580201>

<sup>13</sup> <https://www.palyazat.gov.hu/eredmenyek/tamogatott-projektek/3258220201>

<sup>14</sup> <https://www.palyazat.gov.hu/eredmenyek/tamogatott-projektek/3584380201>

<sup>15</sup> Article 9(3) of Regulation (EU) 2021/1060 on common provisions

<sup>16</sup> Thematic Enabling Conditions 4.4.2, 4.5.1, and 4.5.3 of Annex IV to Regulation (EU) 2021/1060 on common provisions



2021/1060 on common provisions (CPR) and the broad authorization in the Hövtv. that allows for arbitrary application violates the Horizontal Enabling Condition<sup>17</sup> for the effective application and implementation of the Charter of Fundamental Rights.

**In view of the above, I request that the European Commission initiate an infringement procedure against Hungary.**

Dr. Dávid Vig, director

Amnesty International Hungary

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<sup>17</sup> Annex III to Regulation (EU) 2021/1060 on common provisions 3. Horizontal Enabling Condition



## Appendix

### Responses of the government offices to the freedom of information requests submitted by Amnesty International Hungary

Government Office (GO)	1. Has it initiated proceedings aimed at reviewing a piece of legislation pursuant to Section 136(2) of the Mötv.?	2. Has it proposed to the Government to initiate a constitutional review pursuant to Section 136(1) of the Mötv.?	3. Has it exercised a call for legality under Mötv. or used another legal supervisory instrument provided for by the Mötv.?	4. Up to and including 12 November 2025, in respect of how many municipality decrees and which specific decrees did the GO decide that there was no need for a government office decision/measure as referred to in the previous 1.-2.-3. points?
Bács-Kiskun County GO	no	no	"In relation to three municipality decrees, the Government Office exercised the professional assistance provided for under Section 133(3) of the Mötv. The content of the professional assistance was accepted by the municipalities. In the case of one municipality, the municipality decree was repealed and a new decree was subsequently adopted. In the case of another municipality, the preparation of the	Did not respond



			amendment is still ongoing. In the third case, no response has been received yet, having regard to the date of issuance of the measure.”	
Baranya County GO	no	no	<p>“The government office exercised a call for legality in relation to one decree, prior to the decree entering into force. As a consequence of the call for legality, the municipality took action to ensure that the decree did not enter into force.”</p> <p>“In relation to two municipality decrees, the examination phase of the legality supervision procedure is currently ongoing.”</p>	Did not respond
Békés County GO	According to the information provided by the GO, no decree pursuant to the Hövtv. was adopted in the territory of the county.			
Borsod-Abaúj-Zemplén County GO	Did not respond	Did not respond	“[The GO] is conducting proceedings in the examination phase of a legality supervision procedure in respect of 32 municipality decrees.”	Did not respond
Budapest Metropolitan Government Office	No response has been provided to the freedom of information request to date.			
Csongrád-	no	no	“To date, it has not exercised the	“By 12 November 2025, no decision



Csanád County GO			instrument of a call for legality; however, the review of two municipality decrees is ongoing. In one additional case, the Government Office has approached the affected municipality with a request for information.”	had been taken that the measures listed under points 1, 2, and 3 of the freedom of information request were not necessary.”
Fejér County GO	According to the information provided by the GO, no decree pursuant to the Hövtv. was adopted in the territory of the county.			
Győr-Moson-Sopron County GO	Did not respond	Did not respond	“In respect of one municipality decree, it exercised a call for legality, and the procedure is currently ongoing.”	“No decision was taken as to which municipality decrees adopted in the field of local identity do not require the decision/measure referred to in points 1, 2, and 3.”
Hajdú-Bihar County GO	no	no	“Up to the date of the freedom of information request, it had not exercised a call for legality or any other legal supervision instrument under the Mötv. By 12 November 2025, within the framework of legal supervision over the five municipality decrees adopted in the county, none of the government office measures specified in the freedom of information request had been taken, as	Did not respond



			their examination was still ongoing at that time.”	
Heves County GO	no	no	“In respect of five municipality decrees, the Heves County Government Office issued a call for legality; in one case, the legality procedure is still ongoing. In all other cases, the affected representative bodies complied with the call for legality.”	“Up to and including 12 November, we have not taken any measures under point 1, point 2, or point 3 in respect of six decrees.”
Jász-Nagykun-Szolnok County GO	no	no	“[The GO] provided verbal professional assistance in relation to four municipality decrees.”	Did not respond
Komárom-Esztergom County GO	no	no	“To date, four municipalities in the county have adopted municipality decrees on the subject matter, which have been reviewed by the legality supervision department. In order to ensure legality, in all cases the legality supervision department exercised the instrument of professional assistance pursuant to Section 133(3) of the Mötv.; in addition, in respect of one municipality decree, it decided to issue a call for legality	Their response was negative



			<p>pursuant to Section 134(1) of the Mötv.”</p> <p>“The legislator originally set the entry into force of the decree for 1 December 2025; however, following the professional assistance and call for legality of the Komárom-Esztergom County Government Office, the representative body ultimately decided on 24 November 2025 that the decree would not enter into force.”</p>	
Nógrád County GO	no	no	“It did not exercise a call for legality, nor did it apply any other legal supervision instrument.”	“It did not decide, in respect of any decree that the application of the listed legal supervision instruments was unnecessary.”
Pest County GO	Did not respond	Did not respond	“The review, within the framework of a legality supervision procedure, of the municipality decrees on the protection of local identity adopted by municipalities in Pest County is currently ongoing.”	Did not respond
Somogy County GO	no	no	no	“Acting within its legal supervision powers, it carried out reviews in respect of four municipality



				decrees, during which no breach of law was identified. Accordingly, the government office did not initiate the procedures referred to in points 1–3 of the freedom of information request.”
Szabolcs-Szatmár-Bereg County GO	no	no	“So far, it has not exercised the legal supervision instruments set out in Section 132 of the Mötv. I further inform you that, in respect of the municipality decrees adopted to date, the Government Office has conducted consultations with the notaries of all affected municipal offices within the framework of professional assistance pursuant to Section 133(3) of the Mötv., in relation to the local identity decrees.”	“My response is negative”
Tolna County GO	no	no	“Up to the date of providing this information, it exercised a call for legality in relation to two municipality decrees; in both cases, the legality supervision procedure is ongoing.”	“By 12 November, no measures under points 1–3 were necessary in relation to five municipality decrees.”



Vas County GO	no	no	No. “Acting within its legal supervision powers, [the GO] carried out reviews in respect of two municipality decrees, during which no breach of law was identified.”	Did not respond
Veszprém County GO	no	no	“In respect of one municipality decree, it issued a call for legality on 18 November 2025 (hereinafter: the “Call”), the outcome of which is not yet known to the Government Office, having regard to the 30-day deadline for remedying the infringements described in the Call.”	“There was no such decree.”
Zala County GO	no	no	The GO did not exercise a call for legality. Within the framework of professional assistance, it conducted consultations with the representatives of all affected municipalities, “as a result of which, to date, the representative bodies of four municipalities have amended their decrees, and one has repealed its decree.”	Did not respond