

Sn Ares (2025)10169158

Dear Signatories,

Thank you very much for your letter of June 2025 on the Budapest Pride.

You call on the Commission to act on Hungary's recent law, which bans the Budapest Pride and allows the use of face recognition to identify participants.

The AI Act prohibits the use of real-time remote biometric identification systems in publicly accessible spaces for law enforcement purposes, subject to certain narrowly defined exceptions.

The Commission considers that any use of such an intrusive technology as facial recognition to identify and arrest participants in peaceful demonstrations in any case falls under the data protection rules and can discourage persons from participating in demonstrations, raising concerns as regards the rights to freedom of expression and assembly¹.

The Commission has asked Hungary for certain clarifications, including whether there is a "real-time" use. The Commission is currently analysing the replies by the Hungarian government, to assess whether there is a violation of the AI Act.

In its role as guardian of the Treaties, the Commission monitors the situation and is ready to use all appropriate tools at its disposal, to ensure fundamental rights and secondary EU law are upheld across the Union.

Yours sincerely,

[E-signed]

Henna Virkkunen

[E-signed]

Michael McGrath

¹ This has also been recognised by the European Court of Human Rights, see e.g. *ECtHR, Glukhin v. Russia*, Application no. 11519/20, 04/10/2023, paras 88 and 90.