



EUROPEAN COMMISSION

DIRECTORATE- GENERAL FOR REGIONAL AND URBAN POLICY
Directorate F: Better Implementation, Closure and Programme Implementation III
The acting Director

Brussels
REGIO/MG/(2021)6136636

Mr Jarosław Stawiarski
Marshal of the Lubelskie
Voivodeship

Mr Grzegorz Schreiber
Marshal of the Łódzkie
Voivodeship

Mr Witold Kozłowski
Marshal of the Małopolskie
Voivodeship

Mr Władysław Ortyl
Marshal of the Podkarpackie
Voivodeship

Mr Andrzej Bętkowski
Marshal of the Świętokrzyskie
Voivodeship

Subject: Responsibilities of the regional Managing Authorities to provide comprehensive answers to the letter of formal notice of 14 July 2021 and to undertake corrective measures

Dear Marshals,

I would like to draw your attention to the fact that on 14 July 2021 the Commission started legal action against Poland for violations of fundamental rights of LGBTIQ people.

The Commission considers that the Polish authorities failed to fully and appropriately respond to its inquiry regarding the nature and impact of the so-called 'LGBTIQ-ideology free zones' declarations, statements or resolutions adopted by your regional authorities.

The letter of formal notice included multiple questions, which relate to the regional level of implementation of operations supported by the European Structural and Investment Funds (ESIF). Poland has two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to send a reasoned opinion and in a further step refer Poland to the Court of Justice of the European Union.

Consequently, I would like to underline your responsibility as managing authorities of EU funds to provide comprehensive answers to the questions raised by the Commission concerning the compatibility of the resolutions with applicable law, in particular with the principle of non-discrimination. At the same time I would encourage you to undertake any possible corrective measures with regard to the resolutions in order to eliminate the risk that fundamental values enshrined in Article 2 of the Treaty on EU (TEU)¹ as well as provisions of the Charter of Fundamental Rights are violated.

In accordance with Article 30(1) of the Regulation (EU) No 1303/2013² requests for any amendment of a programme shall always take into account the respect of horizontal principles set out in Articles 5, 7 and 8 of this Regulation. The actions of your regional authorities, which adopted declarations, statements or resolutions branding LGBTIQ community postulates as “an ideology” and declaring their territories LGBTIQ-unwelcome, put into question the capacity of regional managing authorities to ensure compliance with the horizontal principle of non-discrimination in the implementation of ESIF programmes. The Commission would like to stress that declaring LGBTIQ-free/unwelcome territories, workplace or services constitutes an action that is against the values set out in Article 2 of the Treaty on European Union. Therefore, we will put on hold the REACT-EU programme amendments in relation to your regional operational programmes.

Concluding, I underline that the Commission needs adequate and comprehensive clarification to the letter of formal notice and we would be grateful for your confirmation of any corrective actions taken in relation to the declarations.

Yours faithfully,

e-signed

Normunds POPENS

c.c.:

¹ [EUR-Lex - 12012M004 - EN - EUR-Lex \(europa.eu\)](#)

² Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17.12.2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, OJ L 347, 20.12.2013

Mr Waldemar Buda, Minister of Funds and Regional Policy

Mr Cezary Przybylski, Marshal of the Dolnośląskie Voivodeship - Managing Authority of the Regional Operational Programme of the Dolnośląskie Voivodeship 2014-2020

Mr Piotr Całbecki, Marshal of the Kujawsko-Pomorskie Voivodeship - Managing Authority of the Regional Operational Programme of the Kujawsko-Pomorskie Voivodeship 2014-2020

Ms Elżbieta Polak, Marshal of the Lubuskie Voivodeship - Managing Authority of the Regional Operational Programme of the Lubuskie Voivodeship 2014-2020

Mr Adam Struzik, Marshal of the Mazowieckie Voivodeship - Managing Authority of the Regional Operational Programme of the Mazowieckie Voivodeship 2014-2020

Mr Andrzej Buła, Marshal of the Opolskie Voivodeship - Managing Authority of the Regional Operational Programme of the Opolskie Voivodeship 2014-2020

Mr Artur Kosicki, Marshal of the Podlaskie Voivodeship - Managing Authority of the Regional Operational Programme of the Podlaskie Voivodeship 2014-2020

Mr Mieczysław Struk, Marshal of the Pomorskie Voivodeship - Managing Authority of the Regional Operational Programme of the Pomorskie Voivodeship 2014-2020

Mr Jakub Chełstowski, Marshal of the Śląskie Voivodeship - Managing Authority of the Regional Operational Programme of the Śląskie Voivodeship 2014-2020

Mr Gustaw Marek Brzezina, Marshal of the Warmińsko-Mazurskie Voivodeship - Managing Authority of the Regional Operational Programme of the Warmińsko-Mazurskie Voivodeship 2014-2020

Mr Marek Woźniak, Marshal of the Wielkopolskie Voivodeship - Managing Authority of the Regional Operational Programme of the Wielkopolskie Voivodeship 2014-2020

Mr Olgierd Geblewicz, Marshal of the Zachodniopomorskie Voivodeship - Managing Authority of the Regional Operational Programme of the Zachodniopomorskie Voivodeship 2014-2020

Mr Piotr Krasuski, Director of the European Social Fund Department, Ministry of Funds and Regional Policy - Managing Authority of the OP Knowledge Education Development 2014-2020

Mr. Jarosław Orliński, Director of the Department of Infrastructure Programmes, Ministry of Funds and Regional Policy - Managing Authority of the OP Infrastructure and Environment 2014-2020

Mr Rafał Sukiennik, Director of the Department of Digital Development, Ministry of Funds and Regional Policy - Managing Authority of the OP Digital Poland 2014-2020

Ms Małgorzata Szczepańska, Director of the Department of Innovation and Development Support Programmes, Ministry of Funds and Regional Policy - Managing Authority of the OP Smart Growth 2014-2020

Ms Małgorzata Wierzbicka, Director of the Department of Supra-regional Programmes,
Ministry of Funds and Regional Policy - Managing Authority of the OP Eastern Poland
2014-2020

Mr Piotr Zygałło, Director of the Department of Regional Operational Programmes,
Ministry of Funds and Regional Policy

G. CALACEAN, Head of Unit EMPL.B.5

C. TODD, Head of Unit REGIO.F.3