

- I. Does your equal treatment legislation provide for an exception to the prohibition of direct discrimination for the protection of health (hereby using the possibility provided by article 2, paragraph 5 of the Framework Directive, 2000/78/EC)?

Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities¹Article 7 (2)² *If this Act does not provide differently, the principle of equal treatment is not violated by such conduct, measure, condition, omission, instruction or practice (hereinafter called collectively: disposition),*
a) which limits a basic right of the entity brought into a disadvantageous position in order to enforce another basic right in an unavoidable situation, assuming that such a limitation is suitable for this purpose and is also in proportion to it;

There is no explicit reference to the protection of health in the Act. The right to physical and mental health is a basic right (Article XX of the Fundamental Law), which on the basis of the above might overcome the principle of equal treatment.

- If so, for which grounds and which areas?
- Could you mention examples of cases where an exception for the protection of health was made?
- Does this exception apply to the ground race?

II. If your legislation provides for an exception for the protection of health, what does the term health entail?

- Is it the protection of public or general health, the health of a larger group of persons, or could it also mean the protection of an individual's health?
- Could you mention examples?

III. Does medical research fall within the scope of your equal treatment legislation?

No.

- Are participants to medical research protected by your equal treatment legislation? In other words, would it be considered a service to be enabled to participate in medical research?
- Is there any caselaw in your country about the question whether medical research is considered a service, in particular under the Race Directive (2000/43/EC)?

IV. Does the donating of blood fall within the scope of your equal treatment legislation?

No.

- Does a bloodbank provide a service to donors in your legislative framework?
- Is there any caselaw in your country about the question whether the donating of blood is to be considered a service under the EU Directives?