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The European Union in the 21st Century: New Challenges for the Settlement of State-Church Relations

Unia Europejska w XXI wieku: nowe wyzwania dla uregulowania stosunków między państwem a Kościołem

Abstract: Relations between states and religious institutions in the European Union face unprecedented challenges in the 21st century. While traditional models of state-church relations continue to shape national approaches, growing religious diversity, secularisation trends and the expanding influence of EU law have created a complex situation that requires new legal and political responses. This article examines how the European Union is overcoming these challenges while respecting the sovereignty of member states in religious matters, and analyses how European courts are reshaping the boundaries of religious freedom and ecclesiastical autonomy.

Keywords: relations between the state and the Church, European Union, secularisation trends, religious freedom, church autonomy

Streszczenie: Stosunki między państwami a instytucjami religijnymi w Unii Europejskiej stoją przed bezprecedensowymi wyzwaniami w XXI wieku. Podczas gdy tradycyjne modele relacji między państwem a Kościołem nadal kształtują podejście poszczególnych krajów, rosnąca różnorodność religijna, tendencje sekularyzacyjne i rosnący wpływ prawa UE stworzyły złożoną sytuację, która wymaga nowych rozwiązań prawnych i politycznych. W niniejszym artykule przeanalizowano, w jaki sposób

Unia Europejska pokonuje te wyzwania, szanując suwerenność państw członkowskich w kwestiach religijnych, oraz przeanalizowano, w jaki sposób sądy europejskie zmieniają granice wolności religijnej i autonomii kościelnej.

Słowa kluczowe: stosunki między państwem a kościołem, Unia Europejska, tendencje sekularyzacyjne, wolność religijna, autonomia kościelna

Introduction

The constitutional settlement of church-state relations in the European Union remains a legal mosaic shaped by diverse historical trajectories, with post-communist states offering innovative models of contractual governance. The European Union's approach to religion embodies what Weiler (2010)¹ called "constitutional tolerance" – respect for deeply different models of church-state relations in member states while building common protection of rights. This paradox stems from Europe's dual heritage: the secularism of the Enlightenment coexisting with Christian-democratic traditions (Madeley, 2003)². The 2004 enlargement, which brought in post-communist states with a revived religious identity (e.g., the renaissance of Catholicism in Poland, the Orthodox majority in Bulgaria), made this balance even more interesting. It is the task of legal science to examine these phenomena not only from a historical perspective, to examine their pros and cons, and to seek the best models of relations between the state and churches that do not exclude anyone, ensure all rights and freedoms to the highest degree, while reflecting social cohesion, social harmony, and issues of security for the entire community. On the other hand, the search for cohesion and peace should not be achieved by suppressing values or excluding the need to exercise conscientious objection, if necessary, and to differ significantly from the majority. Likewise, churches and religious communities should have the right and freedom to proclaim their messages and carry out activities that are specific to them. Often, a fragile balance requires the deepest

¹ Weiler, J. H. H. (2010). *A Christian Europe: An Exploratory Essay*. In: Weiler, J.H.H., *Un'Europa Cristiana*. Rizzoli.

² Madeley, J. T. S. (2003). *Religion and the State in the European Union: The Challenge of Pluralism*. In: Madeley, J.T.S. & Enyedi, Z. (eds.), *Church and State in Contemporary Europe*. Routledge.

intellectual effort, but also an approach that considers the service of human dignity.

Historical patterns of church-state relations in the European Union

A typology of church-state relations it is very important to consider. Academic analysis of church-state relations in Europe has traditionally distinguished three basic models: the denominational model (state church systems), the separatist model, and hybrid systems of cooperation. Each reflects different historical experiences and philosophical approaches to the relationship between political and religious authorities. In state church systems, exemplified by Denmark, England, Finland and Greece, one religion has official status with special constitutional recognition. For example, the Danish constitution explicitly states that “The Evangelical Lutheran Church is the people’s church of Denmark and as such is supported by the state”³. Under this arrangement, the Danish National Church functions essentially as a state agency rather than as a separate legal entity.⁴

The separatist model, most prominently represented by France and to some extent the Netherlands, emphasizes the strict separation of the state from religious institutions. This model is usually based on the principles of state secularism or secularism with varying degrees of implementation.

The cooperative model, which prevails in most EU Member States, including Germany, recognises institutional separation while at the same time recognising areas of common interest and cooperation. As Soper and Fetzer explain, “The German Basic Law establishes a formal separation between church and state, but at the same time the constitution provides for cooperation between the two institutions in areas such as education and the provision of social welfare provision”⁵.

³ *The Constitutional Act*, <https://www.thedanishparliament.dk/en/democracy/the-constitutional-act/> (access: 01.02.2025).

⁴ Sandberg, Russell and Doe, Christopher Norman (2007), *Church-State relations in Europe*. Religion Compass 1 (5), pp. 561-578. 10.1111/j.1749-8171.2007.00040.x.

⁵ Basic Law for the Federal Republic of Germany. Online: https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html/.

Constitutional Recognition of Religion

An examination of EU member states' constitutions reveals significant variation in how they address religion. The European Parliament notes that “all constitutions recognize the right to freedom of religion, some of them refer to one or more churches, and just a few mentions God. The content and intensity of the constitutional clauses greatly vary”⁶ has constitutional provisions generally fall into four categories: “freedom of religion as a fundamental right; non-discrimination on grounds of religion; religion and education; and the relationship between Church and the State”⁷. The widespread adoption of non-discrimination principles is increasingly blurring traditional distinctions between different models of state-church relations. Even within similar constitutional frameworks, implementation varies considerably. While Denmark's National Church operates as a state agency with clergy serving as civil servants, other state churches enjoy greater autonomy. Similarly, separation systems differ in their interpretation and application of secularism principles⁸.

Article 17 TFEU: Respecting National Church Arrangements

The Treaty on the Functioning of the European Union (TFEU) contains specific provisions regarding the relationship between the EU and religious organizations. Article 17 TFEU establishes the foundational principles governing this relationship. Article 17(1) TFEU states: “The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States”⁹. This provision preserves member states' sovereignty in determining their own church-state arrangements. As explained in

⁶ A. Saiz Arnaiz et. al. *Religious Practice and Observance in the EU Member States*. Online:/ [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474399/IPOL-LIBE_ET\(2013\)474399_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474399/IPOL-LIBE_ET(2013)474399_EN.pdf)

⁷ Ibidem.

⁸ The Constitutional Act. Online:/ <https://www.thedanishparliament.dk/en/democracy/the-constitutional-act/>. R. Sandberg, N. Ch. Doe, 2007. *Church-State relations in Europe*. Religion Compass 1 (5), pp. 561-578. 10.1111/j.1749-8171.2007.00040.x.

⁹ S.Ferrari. *Religion and Religious Communities in the EU Legal System*. Online:/ <https://www.insightturkey.com/articles/religion-and-religious-communities-in-the-eu-legal-system/>.

academic literature, “this clause means that, firstly, the EU is not going to make uniform the church-state systems of its member states, meaning church-state relations are to be disciplined by national laws. Thus, Denmark can maintain its state church, Italy its concordat and France its separation as long as these legal systems do not infringe on the fundamental rights that the EU is bound to respect”¹⁰. Article 17(3) TFEU further establishes that “the Union shall maintain an open, transparent and regular dialogue” with churches and religious organizations. The European Commission implemented this requirement by establishing structured dialogue mechanisms, including annual high-level meetings with religious leaders initiated by Commission President José Manuel Barroso in 2005¹¹.

Despite the apparent deference to national arrangements, the Court of Justice of the European Union (CJEU) has clarified that Article 17 TFEU does not entirely exclude religious matters from EU competence. In the 2019 Cresco Investigation case, the CJEU held that “Article 17 TFEU does not mean that a difference in treatment to which national legislation in this area gives rise is excluded from the scope of EU law”¹². This interpretation was further developed in the 2023 case concerning the Freikirche der Siebenten-Tags-Adventisten in Deutschland. The CJEU ruled that Article 17(1) TFEU “must be interpreted as not having the effect of excluding from the scope of EU law a situation in which a church or religious association or community, which has the status of a legal person governed by public law in one Member State and which recognises and supports a private school in another Member State as a denominational school, applies for a subsidy for that school which is reserved for churches and religious associations or communities recognised under the law of that other Member State”¹³. This case demonstrates how cross-border religious activities may engage EU law on freedom of movement despite Article 17 TFEU’s respect for national church-state arrangements.

¹⁰ Ibidem.

¹¹ Think Tank European Parliament. Article 17 TFEU: *Dialogue with churches, and religious and philosophical organisations*. Online: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2018\)614658/](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2018)614658/)

¹² ECLI:EU:C:2023:59. JUDGMENT OF THE COURT (Third Chamber) 2 February 2023. Online: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=270103&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1/>.

¹³ Ibidem.

EU Commitments to Religious Freedom

Beyond respecting institutional arrangements, the EU has developed a framework for protecting and promoting freedom of religion or belief. The EU Guidelines on the promotion and protection of freedom of religion or belief, adopted in 2013, articulate the EU's approach.

These guidelines emphasize that freedom of religion or belief includes “the freedom to change one's own religion or belief and freedom, either alone or in community with others and in public or private, to manifest one's own religion or belief in teaching, practice, worship and observance”¹⁴. The EU's commitment to religious freedom is “based on the principles of equality, non-discrimination and universality”¹⁵. Importantly, “The EU is impartial and is not aligned with any specific religion or belief”¹⁶. This stance of neutrality distinguishes the EU's approach from member states that maintain established churches or preferential relationships with specific religious communities.

In its external human rights policy, the EU “condemns persecution, discrimination and violence against persons belonging to religious minorities and communities, while defending the right for individuals to manifest their religion or belief, to change or leave a religion or belief”¹⁷. The EU also raises concerns about “the criminalization of apostasy and blasphemy, as well as legislation that hinders official registration for religious groups”¹⁸.

¹⁴ The Diplomatic Service of the European Union. Freedom of religion or belief. Everyone has the right to freedom of religion or belief. Online: / https://www.eeas.europa.eu/eeas/freedom-religion-or-belief_en/.

¹⁵ EU Guidelines on the promotion and protection of freedom of religion or belief. Online: / <https://www.eeas.europa.eu/sites/default/files/137585.pdf>

¹⁶ Ibidem.

¹⁷ The Diplomatic Service of the European Union. Freedom of religion or belief Everyone has the right to freedom of religion or belief. Online: / https://www.eeas.europa.eu/eeas/freedom-religion-or-belief_en/.

¹⁸ Ibidem.

European Court Jurisprudence: Shaping the Boundaries of Religious Freedom

The European Court of Human Rights and Church Autonomy

The European Court of Human Rights (ECtHR) has developed an extensive body of jurisprudence on religious freedom and church-state relations. While technically not an EU institution, the ECtHR's interpretations significantly influence both EU law and member states' legal systems.

The ECtHR has adopted a cautious approach to equality among religious communities and the recognition of special status for certain religions. According to the European Parliament's study, "The Convention does not prevent the States from maintaining an established state church"¹⁹ thus allowing for different national models of church-state relations. A landmark case in the ECtHR's jurisprudence on church autonomy is *Nagy v. Hungary* (2017). In this case, the Grand Chamber upheld "the right of churches to 'ecclesiastical courts and the discipline of ministers'."²⁰ The case concerned a Hungarian church minister removed from his position following disciplinary proceedings who subsequently sought redress in civil courts. The Hungarian Supreme Court had refused jurisdiction, stating that the parties had established "a pastoral service relationship, regulated by ecclesiastical law"²¹ The ECtHR ruled that "the Hungarian state courts were perfectly entitled to refuse adjudication of the case"²², thereby strengthening "the right of churches to operate freely without state intervention, and protected the principle of church autonomy at the heart of religious freedom."²³ This principle has been described as "a cornerstone of Western democracies since the Magna Carta first laid down the principle over 800 years ago."²⁴

¹⁹ A. Saiz Arnaiz et al. *Religious practice and observance in the EU Member States*. Brussels: European Parliament. Online:/ [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474399/IP-OL-LIBE_ET\(2.013\)474399_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474399/IP-OL-LIBE_ET(2.013)474399_EN.pdf)

²⁰ *Nagy v. Hungary* (2017) Online:/ <https://adfinternational.org/archive/nagy-v-hungary/>.

²¹ Ibidem.

²² Ibidem.

²³ Ibidem.

²⁴ Ibidem.

Court of Justice of the EU: Balancing National Sovereignty and EU Freedoms

The CJEU has increasingly addressed issues relating to religion and state-church relations, particularly where they intersect with EU competences such as non-discrimination law and economic freedoms.

In the 2023 case concerning the *Freikirche der Siebenten-Tags-Adventisten in Deutschland*²⁵, the CJEU examined whether restricting subsidies for denominational schools to churches recognized under Austrian law constituted a violation of freedom of establishment. The Court found that such restrictions represent a limitation on freedom of establishment under Article 49 TFEU, while acknowledging that such limitations might be justified by legitimate objectives if proportionate. The Court recognized that denominational private schools “supplement the State school system, which is interdenominational, making it easier for parents to choose an education for their children according to their religious beliefs”²⁶. However, it emphasized that any restrictions on cross-border religious activities must meet standards of justification and proportionality established in EU law.

Contemporary Challenges to State-Church Relations

Religious Diversity and Declining Church Membership

The increasing religious diversity within European societies presents significant challenges for traditional models of state-church relations. Many of these models developed in contexts of relative religious homogeneity and struggle to accommodate the pluralistic religious landscape of contemporary Europe. Simultaneously, traditional churches face declining membership. Research indicates “The declining state of membership in churches more so in America and Europe is increasingly becoming

²⁵ ECLI:EU:C:2023:59. JUDGMENT OF THE COURT (Third Chamber) 2 February 2023. On-line: / <https://curia.europa.eu/juris/document/document.jsf?text=&docid=270103&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1/>.

²⁶ Ibidem.

serious. Also, the alarming rate at which denominational churches are dying should be a concern”²⁷.

This phenomenon raises questions about the continued relevance of special arrangements for historically dominant religious communities whose social significance is diminishing.

The changing religious demographics in Europe, characterized by decreasing adherence to traditional Christian denominations and growth in both non-religious populations and minority faiths, call into question arrangements that grant special status to historically dominant churches.

Balancing Religious Freedom and Non-discrimination

One of the most pronounced tensions in contemporary state-church relations involves balancing religious freedom with non-discrimination principles. This is particularly evident in areas such as employment within religious organizations, access to public services, and the provision of commercial services by religious individuals or entities. Conservative theological churches seek to maintain traditional positions on these issues, while legal systems increasingly protect against discrimination based on sexual orientation and gender identity. Some religious communities express concern about increasing government regulation, noting that “the churches no longer have the freedom and leverage of carrying out their affairs as per the practices and traditional beliefs on issues related with gender and sexuality without the interference of the government”²⁸.

Issues related to gender and sexuality have emerged as particularly contentious. According to research, “challenges associated with gender and sexuality” involve “many issues such as gender identity, marriage, divorce, homosexuality, pornography, and complementation and egalitarian gender roles among others. These issues have created fragmentation in churches, Christian organizations, and denominations”²⁹.

²⁷ E. Amankwa, J. Sarpong Akoto. *What Is Missing in the 21st-Century Church?* Scientific Research. Open Journal of Social Sciences > Vol.10 No.10, September 2022. Online:/ <https://www.scirp.org/journal/paper-information?paperid=120037/> (access: 01.02.2025).

²⁸ Ibidem.

²⁹ Ibidem.

Church Autonomy Under Pressure

The principle of church autonomy—the right of religious organizations to govern their internal affairs without state interference—faces new challenges in the 21st century. While this principle has been affirmed in cases like *Nagy v. Hungary*, its scope and limits remain contested. Church autonomy encompasses “the doctrinal and organizational autonomy of religious communities,”³⁰ which is “confirmed in the constitutions of many EU countries. The Polish Constitution, for example, states that “the relationship between the State, the churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere.”³¹ However, this autonomy is not absolute. It may be limited when it conflicts with fundamental rights, public policy, or compelling state interests. The challenge for legal systems is to determine when intervention in religious affairs is justified and when it constitutes unwarranted interference.

Financial Relationships and Cross-Border Activities

Financial relationships between states and religious communities present another area of significant challenge. Different EU member states employ various models of church financing, including direct state funding, tax allocation systems, church taxes, and minimal financial support.

The cross-border dimension of church financing within the EU internal market adds complexity to these issues. In the case concerning the *Freikirche der Siebenten-Tags-Adventisten in Deutschland*, the CJEU addressed whether restricting subsidies to churches recognized under national law constituted a violation of freedom of establishment³². Tax exemptions for religious properties have also generated controversy, as illustrated by the March 2025 case of an Evangelical church in Rome that was classified as a “shop” by Italian tax authorities. The church faced

³⁰ S. Ferrari, *Religion and Religious Communities in the EU Legal System*. Online: <https://www.insightturkey.com/articles/religion-and-religious-communities-in-the-eu-legal-system/>.

³¹ Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. Online: <https://www.sejm.gov.pl/prawo/konst/polski/kon1.htm/>.

³² ECLI:EU:C:2023:59. JUDGMENT OF THE COURT (Third Chamber) 2 February 2023. Online: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=270103&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1/>.

demands for approximately 50 thousand EUR in taxes and fines because its building did not look like “a conventional church”³³. Despite the church’s argument that “the modest architecture of its place of worship does not detract from its use for religious practice”, the ECtHR declined to intervene³⁴. This case highlights the practical challenges of defining religious buildings in diverse and changing religious landscapes, as well as the financial implications of such definitions. It also demonstrates the limits of European judicial intervention in taxation matters affecting religious organizations.

Recent Developments: Two Case Studies

The Adventist School Subsidy Case (2023): The 2023 case of *Freikirche der Siebenten-Tags-Adventisten in Deutschland v. Bildungsdirektion für Vorarlberg*³⁵ addressed the cross-border dimension of state subsidies for religious education. A German Adventist Church applied for subsidies for a private school in Austria which it recognized as a denominational school. Austrian authorities refused the application because the subsidy was reserved for churches recognized under Austrian law.

The CJEU ruled that such restriction constituted a limitation on freedom of establishment under Article 49 TFEU. While acknowledging that such limitations might be justified by legitimate objectives—such as supplementing the state school system and facilitating parents’ choice of education according to their religious beliefs – the Court emphasized that any restrictions must meet standards of proportionality established in EU law.³⁶ This case demonstrates how EU economic freedoms can impact national church-state arrangements in the educational sphere, despite Article 17 TFEU’s respect for national arrangements.

Hungary’s Church Act and Religious Freedom (2014): The ECtHR’s decision regarding Hungary’s Church Act found that depriving certain religious communities of their legal status constituted a violation of

³³ Top human rights court deems Evangelical church’s appeal inadmissible. ADF International. Press Release. March 27, 2025. Online.: <https://adfinternational.org/news/top-human-rights-court-deems-evangelical-churchs-appeal-inadmissible/>.

³⁴ Ibidem.

³⁵ ECLI:EU:C:2023:59. JUDGMENT OF THE COURT (Third Chamber) 2 February 2023. Online.: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=270103&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1/>.

³⁶ Ibidem.

religious freedom and associational rights³⁷. The Hungarian Civil Liberties Union represented nine churches that had been deprived of their status under the 2012 Church Act.

The Court held that “as long as the aim of the Church Act – filtering out abuses of state funds – is considered legitimate, depriving complainants from their status constitutes a disproportionate restriction on the freedoms of religion and assembly”³⁸. Furthermore, “in forcing the disenfranchised churches to undergo a political – as opposed to legal – procedure of re-approval, with a dubious outcome, the Hungarian state violated its obligation concerning neutrality”³⁹. This decision illustrates the limits that European human rights law places on state discretion in recognizing religious communities, even as Article 17 TFEU respects the status of churches under national law.

Future Trajectories and Potential Solutions: Toward a European Compromise

The evolution of state-church relations in the European Union will likely continue to be shaped by several key trends: increasing religious diversity, growing secularization in many regions, the expansion of EU competences, and the development of ECtHR and CJEU jurisprudence.

Despite Article 17 TFEU’s respect for national arrangements, a gradual convergence in approaches may emerge through the influence of common European standards in areas such as religious freedom, non-discrimination, and economic freedoms. This “European compromise” would not eliminate national differences but would establish common parameters within which diverse models could operate.

³⁷ ECtHR Agrees: Hungarian Church Act Violates Rights. In its judgment, the Strasbourg-based European Court of Human Rights (ECtHR) has stated that the Hungarian Church Act violates the right to freedom of religion and the right to assembly of the complainant churches represented by HCLU. Liberties, <https://www.liberties.eu/en/stories/church-act-violates-rights-according-to-european-court-of-human-rights/588/>

³⁸ Ibidem.

³⁹ Ibidem.

Addressing Internal Church Challenges

Research identifies several challenges facing churches in the 21st century, including “Biblical literacy, presence, disembodied tendencies, secularization, compartmentalization, boredom, temptation and the need to reinvent the wheel, consumer Christians, complexity, temptation to homogeneity, the authenticity with regards to the fallacy of brokenness, the idol of autonomy, aversion of commitment, the struggle for the Church to balance in the immoderate age, social media, and the need for racial and ethnic reconciliation”⁴⁰.

Addressing these internal challenges may be as important for religious communities as navigating external legal and political pressures. Churches that are “increasingly becoming inwardly focused institutions or organizations obsessed with themselves”⁴¹ may struggle to maintain their social relevance and public role regardless of their legal status.

Proportionality as a Guiding Principle

The principle of proportionality will remain central to adjudicating tensions between competing rights and interests in state-church relations. This principle requires assessment of both the legitimacy of objectives pursued and the necessity of measures adopted.

In its recent jurisprudence, the CJEU has emphasized that restrictions on religious freedom or cross-border religious activities must be justified by legitimate objectives and must not go beyond what is necessary to achieve those objectives⁴². Similarly, the ECtHR assesses whether interferences with religious freedom are “necessary in a democratic society” for achieving legitimate aims.

This proportionality analysis provides a flexible framework for balancing religious freedom with other rights and interests while respecting the diversity of national traditions and arrangements.

⁴⁰ Eric Amankwa, Justina Sarpong Akoto. What Is Missing in the 21st-Century Church? Scientific Research. Open Journal of Social Sciences > Vol.10 No.10, September 2022. Online:/ <https://www.scirp.org/journal/paperinformation?paperid=120037/>.

⁴¹ Ibidem.

⁴² ECLI:EU:C:2023:59. JUDGMENT OF THE COURT (Third Chamber) 2 February 2023. Online:/ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=270103&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1/>.

Summary

State-church relations in the European Union of the 21st century exist at the intersection of historical national traditions, European fundamental rights commitments, and the evolving competences of the EU. While Article 17 TFEU respects the status of churches and religious organizations under national law, the reality of European integration means that religious matters increasingly intersect with EU competences.

The traditional models of state-church relations – state church, separation, and cooperation – continue to shape national approaches, but their implementation is increasingly influenced by European fundamental rights standards and EU law requirements. The jurisprudence of both the ECtHR and the CJEU has begun to establish parameters for these relationships that emphasize religious freedom, church autonomy, state neutrality, and non-discrimination, while still allowing for diversity in national arrangements.

Contemporary challenges, including accommodating religious diversity, balancing religious freedom with non-discrimination, preserving church autonomy in regulated societies, and managing financial relationships between states and religious communities—require nuanced legal approaches that respect both religious liberty and other fundamental rights and interests.

Soon, bioethical issues in relation to religious beliefs will undoubtedly become an even more serious topic. It would be advisable for the EU to consider the potential implications of these bioethical debates, while maintaining a commitment to the principles of subsidiarity and proportionality. While member states retain competence in health and ethical matters, the CJEU's expanding jurisprudence on cross-border services (Art. 56 TFEU) and non-discrimination (Art. 21 CFR) has the potential to limit national discretion to a certain extent. It is interesting to note that religious institutions are under pressure to adapt their doctrines to align with evolving societal values. This is a challenge that is further compounded by declining membership in traditional churches. Moving forward, the EU's ability to mediate these tensions will depend on- It may be beneficial to explore ways to strengthen dialogue mechanisms under Article 17(3) TFEU, with a view to including bioethical stakeholders. If I may, I would like to suggest clarifying the scope of "ethical pluralism" in EU legislation, with a view to preventing fragmentation. It is important

to consider how we can ensure that religious exemptions (e.g. conscientious objection in healthcare) do not undermine access to rights. As bioethics becomes an area of discussion for state-church relations, the EU's role as a mediator between tradition and modernity may be called into question. It is my humble opinion that, in order to uphold both religious freedom and the indivisibility of fundamental rights, there is a need for rigorous adherence to proportionality and structured pluralism.

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