Question for written answer E-003028/2025
to the Commission
Rule 144
Tomasz Froelich (ESN)

Subject: Possible breach of European law through exclusion of AfD members from the civil service

The Ministry of the Interior of Rhineland-Palatinate recently announced the exclusion of AfD members from the civil service. This announcement was withdrawn after renowned constitutional and state law experts such as Christoph Gröpl and Joachim Wieland expressed concerns that the move was contrary to the German Basic Law and European law. The planned administrative provision now envisages a case-by-case assessment[1]. In 1995, the European Court of Human Rights (ECtHR) ruled that membership of a party classified as extremist was not sufficient grounds for dismissal from the civil service. The AfD has to date not been classified as anti-constitutional by the Federal Constitutional Court. Moreover, the ECtHR ruled that civil servants also had the right to make political use of the freedom of expression[2]. In this connection, the new law on freedom of expression for civil servants in Denmark aims to strengthen freedom of expression in the public sector, following a study showing that one in four officials refrained from expressing their views for fear of reprisals[3]. Civil servants should not to face employment-related disciplinary action for expressing their opinions[4].

1. In light of Article 10 of the Charter of Fundamental Rights of the European Union, what is the Commission's assessment of the attempt by the Government of Rhineland-Palatinate to bar members of the AfD from entering the civil service?

2. Does it share the concerns of the above-mentioned constitutional lawyers with regard to European law?

3. What is the Commission's assessment of the Danish law on freedom of expression for civil servants and does it intend to support initiatives to strengthen freedom of expression in the civil services of the Member States?

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[1] https://www.swr.de/swraktuell/rheinland-pfalz/ausschluss-von-afd-mitgliedern-vom-staatsdienst-laut-staatsrechtlern-verfassungswidrig-100.html
[2] https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-58012%22]}
[3] https://europeanconservative.com/articles/news/denmark-strengthens-free-speech-protections-for-public-employees/
[4] https://chambers.com/articles/new-act-on-freedom-of-expression-for-public-employees-adopted-by-the-danish-parliament