

**Question for written answer E-004083/2025
to the Commission**

Rule 144

Pernando Barrena Arza (The Left), Estrella Galán (The Left), Ana Miranda Paz (Verts/ALE), Marie Toussaint (Verts/ALE), Damien Carême (The Left), Mélissa Camara (Verts/ALE), David Cormand (Verts/ALE), Mounir Satouri (Verts/ALE), Majdouline Sbai (Verts/ALE), Saskia Bricmont (Verts/ALE), Tilly Metz (Verts/ALE), Rudi Kennes (The Left), Isabel Serra Sánchez (The Left), Per Clausen (The Left), Catarina Martins (The Left), Jaume Asens Llodrà (Verts/ALE), Diana Riba i Giner (Verts/ALE), Martin Günther (The Left), Rima Hassan (The Left), Danilo Della Valle (The Left), Leila Chaibi (The Left), Vicent Marzà Ibáñez (Verts/ALE)

Subject: Criminalisation of solidarity in the ‘J’accuse’ case in the Basque Country

Seven Basque citizens are being prosecuted for allegedly facilitating the illegal entry, movement, or stay of 36 foreigners in France by concealing them within a popular running race. The charges include direct or indirect assistance, with an aggravating circumstance that the acts were committed as part of an organised group. The incident occurred during a traditional race supporting the Basque language that links the cities of Irun (Spain) and Bayonne (France).

While the co-legislators discuss reform of the EU facilitation directive¹, Parliament’s alternative assessment recommended aligning with the UN Protocol against the Smuggling of Migrants (November 2000)². This would clarify the scope of criminal offences by ensuring that only activities undertaken for direct or indirect financial or material benefit constitute a crime, while exempting humanitarian assistance from criminalisation.

In this context:

How does the Commission view the act of assisting migrants to enter French territory in cases of purely humanitarian assistance involving no financial or material benefit whatsoever?

Submitted: 16.10.2025

¹ COM(2023)0755.

² https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18.