

EN

E-001457/2025

Answer given by Mr McGrath
on behalf of the European Commission
(4.6.2025)

The definition and application of rules governing the holding of demonstrations and any related sanctions pertain to the Member States. Article 4(2) of the Treaty on European Union underlines that the maintenance of law and order and the safeguarding of internal security in the Member States, including policing laws and the regulation of demonstrations, fall within national competence and consequently outside the scope of EU law. As provided for in its Article 51(1), the Charter of Fundamental Rights likewise applies to Member States only when they are implementing EU law. Therefore, it is for Member States to ensure that fundamental rights are effectively respected and protected in the context of demonstrations, in accordance with their national legislation and international human rights obligations.

Member States may restrict the freedom of movement of EU citizens on grounds of public policy or public security¹. This includes the possibility to expel a beneficiary of the right of free movement, while complying with the requirements and procedural safeguards set out under EU law². Restrictive measures may be taken where the personal conduct of an individual represents a genuine, present and sufficiently serious threat to one of the fundamental interests of the society of the host Member State. Decisions must be proportionate. The persons concerned must be informed of the reasons for the decision and must have access to redress procedures at national level³. National courts are competent for assessing whether a specific measure is justified and proportionate and whether the relevant procedural safeguards have been complied with.

¹ See Chapter VI of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77–123.

² Articles 30 to 33 of Directive 2004/38/EC.

³ Articles 30 and 31 of Directive 2004/38/EC.