

(English version)

**Question for written answer E-001975/25
to the Commission
Giorgos Georgiou (The Left)
(16 May 2025)**

Subject: Foreign agents law — a potential obstacle to freedom of speech

A number of NGOs have identified the foreign agents law as a threat to society owing to its lack of clarity. This ambiguity is illustrated by vague formulations, such as ‘third party entity’ and ‘activities of an economic nature’, which allow governments to interpret the legislation as they please. This lack of clarity can also lead to an encroachment on the freedom of speech.

In April, a pro-Palestinian activist was arrested in Brussels on the basis of this legislation. Mohammed Khatib, the European coordinator for Samidoun, a global Palestinian prisoner solidarity group, was arrested after being identified as a threat to Belgian society. Meanwhile, in Germany, three EU citizens and one US student faced expulsion orders due to their participation in pro-Palestinian protests. What is more, cultural organisations have lost public funding due to their actions promoting Palestinian rights, which raises concerns about artistic freedom and political repression.

Can the Commission therefore answer the following:

1. To what extent is the arrest of students and activists exercising their human right to protest compatible with Articles 10 and 12 of the Charter of Fundamental Rights?
2. What measures will the Commission take to protect academic freedom in European universities against the ambiguities in the foreign agents law, which is open to interpretation by governments?

Submitted: 16.5.2025

**Answer given by Mr McGrath on behalf of the European Commission
(13 August 2025)**

Freedom of thought and freedom of assembly are fundamental rights enshrined in Article 10 and 12 of the Charter of Fundamental Rights of the European Union ⁽¹⁾. Together with freedom of expression and freedom of association, they form the base for a free, democratic and pluralistic society.

As provided in its Article 51(1), the Charter applies to Member States only when they are implementing EU law. As established by Article 4(2) of the Treaty on European Union, the maintenance of law and order and the safeguarding of internal security in the Member States fall within national competence.

Therefore, the Commission does not have a general power to intervene in the definition and application of rules governing the holding of demonstrations, and any related sanctions.

The Commission proposed in December 2023 a draft Directive ⁽²⁾, which would provide common transparency standards applicable to interest representation activities impacting regulatory and decision-making processes and carried out on behalf of third countries.

In contrast to foreign agent laws, this proposal does not negatively label the activities of specific entities, and the measures apply independently of the legal status of the concerned entities.

The proposal includes clear definitions and strong safeguards aimed at ensuring proportionate enforcement and avoiding stigmatisation. Activities that constitute a manifestation of academic freedom are explicitly excluded from the scope of the proposal.

⁽¹⁾ https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0637>.