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Answer given by Mr McGrath
on behalf of the European Commission
(28.8.2025)

Freedom of expression is a fundamental right and a cherished value in the EU. It is protected under Article 11 of the Charter of Fundamental Rights of the European Union (“the Charter”). The Commission is committed to ensure the respect of the Charter, within the remit of its competences. According to its Article 51(1), the Charter applies to Member States only when they are implementing EU law. Moreover, according to 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. The definition and application of rules and sanctions governing the holding of demonstrations is the responsibility of Member States, outside the scope of EU law. From the information provided by the Honourable Member, the national measures in question do not appear to involve EU law.

The right to freedom of expression is also protected by Article 10 of the European Convention on Human Rights (ECHR). The ECHR, which the Honourable Member refers to, is however an international treaty and not an instrument of EU law and its application is overseen by the ECHR in Strasbourg.

It is the competence of Member States, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected, in accordance with their national legislation and international human rights obligations, such as the ECHR, and in full respect of the values on which the EU is founded.