

EN
E-002529/2025
Answer given by Mr McGrath
on behalf of the European Commission
(11.8.2025)

Article 11 of the Charter of Fundamental Rights of the European Union provides that everyone has the right to freedom of expression. According to its Article 51(1), the Charter applies to EU institutions, and to Member States when they are implementing EU law. The final interpretation of the Charter belongs to the Court of Justice of the European Union.

To exercise their freedom of expression, rightsholders may use all forms of expression, whether a direct medium with full human control or expression that takes place indirectly through a generative Artificial Intelligence (AI) tool. Journalists may use automated systems to create and publish content, which falls within the scope of the freedom of expression and freedom of the media.

In view of the risks recalled in its reply to question E-001160/2025¹, as well as risks of foreign information manipulation and interference², the Commission considers that the identification of the artificial character of content generation, as provided for in the AI Act³, is central for ensuring the protection of fundamental rights, the rights of others and intellectual property rights. The Digital Services Act contains specific guarantees for the use of the freedom of expression in content moderation, such as by providing for transparency obligations to service providers on their moderation policies, allowing individuals to contest moderation decisions, and requiring very large platforms to assess and mitigate systemic risks to freedom of expression⁴.

¹ Answer given by Mr McGrath on behalf of the European Commission, E-001160/2025:
https://www.europarl.europa.eu/doceo/document/E-10-2025-001160-ASW_EN.html.

² 3rd EEAS Report on Foreign Information Manipulation and Interference Threats, 19.03.2025, available here:
https://www.eeas.europa.eu/eeas/3rd-eeas-report-foreign-information-manipulation-and-interference-threats-0_en.

³ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, OJ L, 2024/1689, 12.7.2024, ELI:
<http://data.europa.eu/eli/reg/2024/1689/oj>.

⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, p. 1–102, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>.