

EN

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Answer given by Mr McGrath
on behalf of the European Commission
(24.9.2025)

The Commission is committed to ensuring that there is no place for hate in the EU¹. The Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law² regulates at EU level the criminal response against hate offences in the EU. It concerns all offenders, including public officials.

The Commission monitors the implementation of the Framework Decision, including in Spain. It remains, however, the competence of national authorities to investigate, prosecute, and try in accordance with applicable national legislation individual cases of alleged hate offences.

With a view to supporting the implementation of the Framework Decision on the ground, the Commission has in place a comprehensive policy toolbox developed with national authorities, EU agencies and international organisations under the High-Level Group on combating hate speech and hate crime³. As regard the EU institutions, their workplaces and their staff adhere to the highest standards in tackling discrimination and combatting hatred. This is a major priority for the Commission⁴, reflected in its HR Strategy adopted in 2022 and its Diversity and Inclusion Action Plan⁵.

The possible inclusion of hate speech and hate crime in the list of ‘EU crimes’ under Article 83(1) of the Treaty on the Functioning of the European Union requires a Council decision adopted at unanimity and with the consent of the European Parliament. To date, the Council has not reached the needed unanimity.

¹ https://commission.europa.eu/document/c60c451c-ccd2-406a-be3a-ef65123f2bb6_en.

² <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913>.

³ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-hate-speech-and-hate-crime_en#the-high-level-group-on-combating-hate-speech-and-hate-crime.

⁴ No place for hate: a Europe united against hatred, 6 December 2023, JOIN/2023/51 final.

⁵ https://commission.europa.eu/about/service-standards-and-principles/modernising-european-commission/diversity-and-inclusion_en.