

(English version)

**Question for written answer E-002991/25
to the Commission
Tomasz Froelich (ESN)
(17 July 2025)**

Subject: Professional disqualification based on fictional novels

The Administrative Court of Koblenz has barred the author John Hoewer from starting his legal clerkship. The reason given is his alleged lack of loyalty to the constitution, which is said to be evident from Hoewer's political activities and his writings. Central to this assessment were passages from Hoewer's fictional novel *EuropaPowerbrutal*, published in 2021 by Jungeuropa, particularly statements made by the main character. Apparently, the statements of a 'lyrical ego' in a fictional novel serve as grounds for the Administrative Court of Koblenz to discern a lack of loyalty to the constitution and impose a de facto professional ban. It should be borne in mind that Hoewer has no criminal record and his book is not forbidden.

1. Is the Commission aware of similar cases in other Member States where individuals have been deemed disloyal to the constitution and barred from certain professions on the basis of fictional novels?
2. Is the action taken against Hoewer compatible with the freedom of expression and freedom of art enshrined in the European Charter of Fundamental Rights, which includes the freedom to create art without state-imposed restrictions, and does the Commission fear that repressive measures such as de facto professional bans could deter people from engaging in artistic activities or freely expressing their opinions?

Submitted: 17.7.2025

**Answer given by Mr McGrath on behalf of the European Commission
(20 October 2025)**

We thank the Honourable Member for bringing this case to the attention of the Commission.

Freedom of expression is a fundamental right and a cherished value of 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 ensuring the respect of the Charter within the remit of its competences. According to its Article 51(1), the Charter applies to Member States when they are implementing EU law.

From the information provided by the Honourable Member, the national action in question does not appear to involve the application of EU law, and the Commission is accordingly not in position to comment on the case referred to.

In such cases, it is the competence of Member States, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected, including for applicants for the legal clerkship, in accordance with their national legislation and international human rights obligations, and in full respect of the founding values of the EU.
