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Answer given by Mr McGrath
on behalf of the European Commission
(20.2.2025)

Media freedom and pluralism are principles recognised by Article 11 of the Charter of Fundamental Rights of the European Union (the Charter)¹, which the Commission promotes and protects across all Member States. At the same time, EU law also defines criminal offences of incitement to hatred or violence based on certain protected characteristics, considered as illegal hate speech². It is the competence of national authorities to investigate and prosecute such offences.

Article 48(1) of the Charter provides that everyone who has been charged shall be presumed innocent until proven guilty according to law. However, according to its Article 51(1), the provisions of the Charter are addressed to the institutions, bodies, offices and agencies of the EU and to the Member States only when they are implementing EU law. It is for the Member State to ensure that fundamental rights are effectively respected and protected in accordance with their national law and international obligations.

It is not for the Commission to comment on individual and ongoing cases within the national jurisdiction of a Member State.

The Commission reaffirms its commitment to a comprehensive and evidence-based approach in preparing the Rule of Law Reports, based on a well-established methodology. Media sources are assessed as part of a broad evidence base, which includes input from Member States and other stakeholders, ensuring a balanced and robust analysis of the situation. The Commission does not privilege any single source but recognises the value of media contributions as one of many.

¹ Charter of Fundamental Rights of the European Union [2012] OJ C 326/391.

² Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328/55, 6.12.2008.