

EU Charter of Fundamental Rights - midterm review of the Charter strategy

Reply to Call for Evidence

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Introduction

Pearle*-Live Performance Europe is the European federation representing over 13,000 organisations and companies in the music, performing arts, and live event sectors. As a European employers' association, Pearle* takes part in the European sectoral social dialogue.

Pearle* welcomes the opportunity to contribute to the midterm review of the Charter Strategy¹ and to share the perspective of the live performance sector on the application of the Charter of Fundamental Rights of the European Union², in particular with respect to **Article 13 (Freedom of the arts and sciences)** and **Article 11 (Freedom of expression and information)**.

Pearle* acknowledges the critical need to continue safeguarding the rights and values enshrined in the Charter, and we continue to advocate for the recognition, promotion and protection of **artistic freedom as a fundamental right** and a pillar of European democratic life.

Comments

The Charter of Fundamental Rights of the European Union has the same legal value as the Treaties, as established in Article 6(1) TEU. While it applies fully to EU institutions, Article 51(1) of **the Charter limits its applicability to Member States only when they are implementing EU law**. This limitation, though clearly defined, presents persistent practical challenges. Pearle* notes that **infringements on artistic freedom may often fall outside the formal scope of EU law**, yet still affect the Union's foundational values enshrined in Article 2 TEU, particularly the respect for human dignity, freedom, democracy, equality, and human rights, including the rights of persons belonging to minorities.

Across the European Union, artistic freedom and the autonomy of cultural institutions are increasingly under threat from political interference, budgetary pressure, and anti-democratic movements. This is reflected in:

- Censorship or threats against specific artistic expressions and works
- Budget cuts targeting diverse or critical artistic expression;
- Dismissals of cultural leaders based on political views;

¹ [Strategy to strengthen the application of the Charter of Fundamental Rights in the EU](#)

² [Charter of Fundamental Rights of The European Union](#)

Such actions violate the spirit of Article 13 of the Charter and undermine democratic values under Article 2 of the TEU. While artistic freedom is formally protected in national laws, in practice, there is a growing gap between legal guarantees and day-to-day reality, with numerous cases showing how this right is being eroded across Europe.

In this context, Pearle* urges the Commission to promote a broader interpretation and stronger awareness of how EU law interacts with the Charter of Fundamental Rights, particularly in safeguarding artistic freedom. Given the growing challenges to this freedom across the EU, Pearle* calls on the Commission to take concrete action under each of the four strategic pillars of the Charter Strategy.

We propose the following recommendations to strengthen the protection and promotion of fundamental rights in the cultural sector:

1) Effective application by the Member States

To ensure Member States uphold the Charter in practice, we call for:

- Clarifying when restrictions imposed by national cultural policies or funding mechanisms may breach Charter rights under EU law;
- Providing guidance, or where necessary, launching infringement procedures to protect freedom of expression and non-discrimination in the arts;
- Encouraging the inclusion of fundamental rights impact assessments in national cultural policies supported by EU funds, in alignment with initiatives such as the future Culture Compass, the Democracy Shield, the Annual Rule of Law Reports and the next Multiannual Financial Framework (MFF).

2) Empowering civil society organisations, rights defenders and justice practitioners

To support those defending fundamental rights in the cultural sector, we recommend:

- Funding and supporting Charter-related training for cultural operators, artists, and public authorities;
- Facilitating the exchange of best practices on safeguarding artistic freedom through transnational cultural cooperation programmes.

3) The Charter as a compass for EU institutions

To embed the Charter more deeply in EU policy-making, we propose:

- Mainstreaming artistic freedom in the implementation of relevant EU programmes such as Creative Europe;
- Promoting the use of fundamental rights as a guiding principle in EU cultural and digital policy.

4) Strengthening people's awareness of their rights under the Charter

To raise visibility and understanding of artistic freedom as a fundamental right, we recommend:

- Including artistic freedom as a regular thematic focus in annual Charter implementation reports;
- Integrating artistic freedom into the monitoring work of the EU Agency for Fundamental Rights (FRA) and national Charter focal points;

- Promoting the collection of disaggregated data on violations and threats to artistic freedom across the EU.

Conclusion

Pearle* recalls that freedom of artistic expression is not only a cultural right, but a cornerstone of democratic societies. In line with the European Democracy Action Plan³, the Charter Strategy must continue to recognise the role of culture in upholding pluralism, countering disinformation, and fostering civic engagement.

The 2025 midterm review presents a timely opportunity to reaffirm the European Union's commitment to artistic freedom as a core fundamental right. Pearle* stands ready to cooperate with the European Commission and other stakeholders to strengthen the Charter's implementation and ensure that the rights of artists and cultural professionals are fully protected across the Union.

³ [Communication from the Commission on The European Democracy Action Plan](#)