

Towards a European Artistic Freedom Act

Across Europe, artistic freedom is increasingly affected by undue political interference in the cultural sector through governance reforms, institutional restructuring, funding decisions and other administrative measures.

At the same time, Europe's cultural sector is deeply interconnected. Artists, cultural workers and institutions collaborate across borders through touring, co-productions, festivals, shared financing and international artistic teams. Diverging national conditions can therefore have consequences well beyond a single Member State.

Against this backdrop, the **RESISTANCE NOW TOGETHER Coalition** is exploring the development of a **European Artistic Freedom Act (EAFA)**: a possible European framework designed to strengthen the conditions in which artists and cultural institutions can operate freely and independently.

The aim is not to regulate artistic expression. It is to protect the conditions that make artistic freedom possible.

A possible legal pathway

The legal groundwork has begun. Working with pro bono legal experts, the Coalition has started to examine how a European Artistic Freedom Act could be anchored in EU law. This preliminary analysis provides grounds for exploring **Article 114 TFEU** as a possible legal basis for a targeted European framework.

Culture remains primarily a Member State competence, but Article 114 allows the EU to act where divergent national rules create obstacles to the functioning of the internal market. The emerging legal analysis is therefore examining how differences in cultural governance and safeguards for institutional independence may affect **cross-border cultural activity, market access and operating conditions** for artists and cultural organisations across Europe.

The **European Media Freedom Act** provides an important, though not identical, precedent. Its development shows how concerns around fundamental rights and institutional independence can intersect with the internal market—and offers lessons for the further development of an EAFA.

RESISTANCE NOW!
TOGETHER

The journey so far

● NOVEMBER 2024

Open letter 'Resistance Now: Free Culture'
200 institutions from 50 countries make a joint appeal to the European Parliament to protect artistic freedom through a new law.

● MAY 2025

Bratislava Declaration
A call to explore stronger European safeguards for artistic freedom.

● NOVEMBER 2025

Culture Compass for Europe
The Culture Compass recognises the threats to artistic freedom and commits to an EU that upholds and strengthens European values and cultural rights.

● JUNE 2026

Joint Declaration "Europe for Culture - Culture for Europe"
(European Commission, Parliament, Council)

● JUNE 2026

RESISTANCE NOW TOGETHER Brussels Policy Roundtable
30+ Stakeholders including Commissioner Micallef and MEP Nela Riehl to gather inputs from policy makers

2026

Model EAFA developed
Supported by legal research and cross-jurisdiction analysis.

"We must make sure that artistic freedom is not only celebrated in speeches, but protected in practice."

Nela Riehl, Chair of the European Parliament's Committee on Culture and Education (CULT)

What would a European Artistic Freedom Act look like?

The model under development is deliberately narrow and content-neutral. It is not intended to regulate artistic content or harmonise national cultural policies. Instead, it explores whether common European procedural safeguards could help protect artists, cultural workers and institutions from arbitrary political interference while respecting Member State's competence for culture.

FIVE SAFEGUARDS BEING EXPLORED

Transparency	Objective and non-discriminatory criteria	Reasoned decisions	Conflicts of interest	Independent review
Clear and accessible decision-making processes.	Decisions based on known, non-discriminatory standards.	Those affected by public decisions should understand why they were taken	Safeguards to support the integrity and independence of decision-making	Meaningful possibilities to challenge decisions where necessary.

Not one instrument, but an enabling ecosystem

An EAFA would be **one component of a wider enabling ecosystem for artistic freedom**, alongside monitoring and evidence, funding and support mechanisms, strong and independent institutions, human rights protections, and meaningful participation by artists and cultural organisations.

The **Culture Compass for Europe** foresees structured dialogue with the sector, an annual survey of artists and the first State of Culture in the EU report. The current **Irish Presidency of the Council of the EU** and development of the **EU Work Plan for Culture 2027–2030** provide further opportunities to strengthen artistic freedom within European cultural policy.

What could a European Artistic Freedom Act add to existing protections?

Deterrence

Common rules can discourage incompatible measures.

Direct enforceability

Rights could be invoked before national courts.

Accountability

Commission infringement action where EU law is breached.

What comes next?

The next phase is about **building the evidence, testing the framework and widening the conversation**: documenting how artistic freedom is affected across Europe; understanding cross-border impacts; refining the legal approach; and continuing dialogue with artists, cultural organisations, policymakers, Member States and EU Institutions.

Contact

 info@resistance-now-together.eu

 resistance-now-together.eu

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