

## Non-paper of France, Austria, Netherlands

### **Ensuring respect for European values by entities receiving European funding, and strengthening the fight against all forms of hatred, including antisemitism and racism.**

In light of the alarming increase in hate speech and hate crimes, particularly following the terrorist attacks carried out by Hamas against Israel on 7 October 2023 and the ensuing war in Gaza, the European Union and its Member States must redouble their efforts to combat racism, antisemitism, xenophobia, and anti-Muslim hatred, as well as all other forms of hatred and intolerance. They must ensure that European values, as defined in Article 2 of the Treaty on European Union (TEU) and in the Charter of Fundamental Rights of the European Union, are upheld by ensuring that no support is given to entities hostile to European values, in particular through funding. In addition, they must step up the fight against the spread of hate speech, both online and offline, which is a common concern for all Member States.

This non-paper presents several proposals to that effect.

#### **1. Strengthening respect for EU values through European funding**

The European Union must better protect and promote its rights and values in all its actions, including its in its funding policy. It is therefore necessary to **ensure that all beneficiaries of European funds respect the rights and values of the EU**. In this regard, the rules laid down in the Financial Regulation applicable to the general budget of the Union, revised in 2024, are comprehensive and clear: **within this framework and under existing law, the European Commission must ensure that the implementation of the Union budget is carried out in accordance with the Charter of Fundamental Rights of the EU and in compliance with the values enshrined in Article 2 of the TEU**.

To ensure compliance, a rapid detection and exclusion system (EDES) has already been put in place allowing in particular for the exclusion of entities or people who do not respect European values. Article 138 of the financial regulation provides for exclusion criteria in cases of incitement to discrimination, hatred, violence or similar activities contrary to the values on which the Union is founded.

Thanks to this system, the Commission is now in a position to implement verification of the entities to which European funds are allocated, allowing for increased expenditure control. It is therefore essential that it be fully applied.

To ensure effective protection of the Union's financial interests and provide the means to enforce the above provision in compliance with the existing legal framework, we call for the attention of the Member States and the Commission on five points:

First, before receiving European funds, a commitment contract signed by all non-profit entities benefiting from funds must explicitly refer to the respect and promotion of European rights and values. This contract is not part of the exclusion criteria. Since European funds are a powerful way to promote and defend our values and given that these values are under threat, it is not only necessary to ensure that funding is not provided to entities hostile to our common values but also, where appropriate, to ensure that the beneficiaries can actively promote the values of the Union in the context of the projects they implement. Although vigilance is necessary for all funds, this commitment contract could initially target the funds most exposed to uses contrary to the EU values, such as the Erasmus+ fund and the CERV programme.

Second, the European Commission must ensure more effectively that no direct or indirect funding benefits entities hostile to European values, in accordance with the recommendations of the European Court of Auditors. As such, the Commission must provide better reporting on the continuity of controls for directly managed funds and must quickly implement these controls for funds managed indirectly. Beyond strengthening the exchange of information between the member states and the commission services, a Commission-wide vigilance policy is needed, steered at the highest level and overcoming current silos. We should also consider the precise modalities for monitoring the use of decentralized envelopes by associate countries, as well as the specific procedures implemented by the Commission. Delegating the management of European funds to third countries requires increased vigilance regarding allocation and implementation methods.

Third, in the case of delegated funds, it is necessary to write European guidelines, specifying what the EU values are and giving examples, to guide all actors involved in the allocation of European funds to have the same objective and operational understanding of these values. This would make the values more tangible and offer legal certainty. In the case of Erasmus+, these guidelines could be annexed to the Erasmus+ program guide for 2026, reinforcing the "Respect for EU values" section.

Fourth, although all entities receiving European funds must respect the rights and values of the EU, the current definition of beneficiaries does not explicitly cover legal representatives, directors or morally affiliated entities (presidents of associations, universities, etc.). However, these actors play a significant role in the implementation of European funds. As such, they should also contribute to the promotion and defense of the rights and values of the EU. Calls for projects or funding files should include a declaration of honour, signed by legal representatives, committing to uphold EU rights and values, while ensuring that the administrative burden for entities is kept to a minimum. The training offered by the national contact points of the Member States to project leaders could also be utilized for this purpose.

Fifth, we must be vigilant against strategies aimed at circumventing existing legal frameworks, particularly by actors under the influence of third countries. As such, we reiterate our deep concerns about the proposal for a directive on European cross-border associations, which lacks sufficient safeguards against activities that could threaten EU internal security.

## **2. Combating hate speech and hate crimes**

The spread of hate speech is a clearly identified threat for our democratic societies. Social networks have become the main vectors of dissemination of illiberal and anti-democratic narratives, including racist, anti-Semitic, anti-LGBTI+, encouraging hatred towards humanist values of dignity, freedom and equality, or glorifying violence, even terrorism. Because hate-driven extremism has no national borders, stronger European cooperation is vital. The European Union must continue to develop prevention programs, taking into account both traditional and digital media. Hatred and intolerance have no place in the EU. The proliferation of offenses inciting hatred or discrimination, both online and offline, is a common concern for all Member States.

We support the extension of the field of European criminal offenses ("Eurocrimes") to hate speeches and crimes, as discussed since 2022. The severity of such acts, contrary to EU values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, justifies their inclusion under article 83 of the TFEU.

In terms of operational cooperation, we welcome the recent establishment of a national point of contact network within the domestic business sector focused on hate speech and hate crimes, facilitating exchanges between the units of the specialized police forces. This initiative should be reinforced by launching a dedicated analytical project under the Europol's leadership, and by organizing an annual Union-wide joint action day.

Any online hate speech must be reported and removed swiftly, in particular on very large online platforms, which are specifically required under the European Digital Services (Digital Services Act - DSA) to adapt their moderation procedures. The January 2025 integration of the revised code of conduct on illegal hate speech into the DSA is a welcome step. We therefore call on the Commission to use all tools at its disposal, particularly the "extended code of conduct" to supervise compliance with the obligations of large online platforms, and to implement existing sanctions if necessary.

Existing operational tools, in particular those of Europol to support Member States, should be reviewed and adapted to help combat hate speech and hate crimes more effectively.

In addition, in full respect of national competencies, the European Union should actively support existing efforts - such as the training of religious personnel in Europe - provided that they are in line with European fundamental values, in particular the rule of law, democracy, the primacy of state law, gender equality, tolerance for other religions and lifestyles. The Union should also adopt restrictive measures against hate speech (e.g. entry bans, expulsions). France, Austria, Netherlands and 12 other member states committed to combatting antisemitism [Germany, Austria, Bulgaria, Croatia, Estonia, Spain, Greece, France, Luxembourg, Italy, Hungary, Netherlands,

Czech Republic, Romania and Slovakia] signed the Vienna Declaration of May 18, 2022 and meet regularly to coordinate actions. We invite all member states to join this initiative ("European Conference on Antisemitism") and to participate in the high-level conference on the fight against antisemitism to take stock of the implementation of the European Union strategy for combating antisemitism and sharing best practices between member states.

The fight against hate speech and hate crimes begins with education and training from an early age and continues throughout life. It is an essential lever to raise awareness of the fight against all forms of hatred and discrimination, which is the first step towards a more tolerant and more respectful society. Likewise, the history and memory of the Holocaust should be included in all EU schools and curricula from secondary education through to universities. With this in mind, the European program "Citizens, Equality, Rights and Values", and in particular the "Union values" and "commitment and participation of citizens" aspects, as well as the European Erasmus+ program, should be mobilised to support such educational initiatives.

Finally, communication campaigns, both at national and European level, must actively promote European values. It is the responsibility of European institutions to ensure that their public communications do not convey ambiguous messages.