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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	European Research Area and Innovation Committee (ERAC) plenary meeting, 16-17 October 2025, Copenhagen Promoting and protecting the freedom of scientific research as a core value of the European research and innovation ecosystems, and a foundation for trust in science

European Research and Innovation Area Committee (ERAC) delegations will find attached a background note on the subject "Promoting and protecting the freedom of scientific research as a core value of the European research and innovation ecosystems, and a foundation for trust in science," with a view to the strategic debate at the ERAC meeting on 16-17 October 2025.

Promoting and protecting the freedom of scientific research as a core value of the European research and innovation ecosystems, and a foundation for trust in science

Background document for the strategic debate

ERAC is invited to hold a strategic debate on how to **promote and protect the freedom of scientific research** as a central value of the European R&I ecosystem and a foundation for **trust in science**. The outcome of the debate will feed into the Commission's preparation of a legislative proposal, envisaged under the **ERA Act**, with the aim to provide a **legal framework** across the Union.

1. Context

Although the freedom of scientific research is formally recognised in EU primary law, most notably Article 13 of the Charter of Fundamental Rights of the European Union, the Charter applies only when Member States are implementing Union law (Article 51(1)).[1] As a result, there is currently no harmonised EU-level legal framework that ensures consistent and enforceable protection of this freedom. Researchers and research institutions across the Union face a combination of pressures that, in practice, can limit the full exercise of scientific freedom, with implications not only for scientific excellence, but also for public trust in the independence and integrity of research. Trust in science depends on the perception that research is conducted independently, transparently, and free from undue influence, and reinforcing scientific freedom is therefore key to building and maintaining that trust.

Consultations with stakeholders, along with ERAC's June 2025 exchange, show broad support for EU action, though questions remain about the appropriate scope and legal form. In May, President von der Leyen confirmed the intention to enshrine the freedom of scientific research in EU law, aligning with the "Choose Europe for Science" agenda[2] designed to attract and retain global research talent.

[1] https://www.europarl.europa.eu/charter/pdf/text_en.pdf
[2] https://commission.europa.eu/topics/research-and-innovation/choose-europe_en

2. Challenges to safeguarding research freedom

A Commission study covering the EU-27 and selected comparators (final report expected September 2025) confirms that protections exist in many Member States, but also highlights gaps and practical challenges. These include: political interference in sensitive areas; economic and performance pressures shaping agendas; institutional constraints such as bureaucracy and precarious careers; social pressures and harassment; and governance weaknesses.

Beyond the direct impact on researchers and institutions, threats to scientific freedom can erode public trust in science. When research is seen as vulnerable to political, commercial, or ideological interference, its legitimacy as a basis for policy and societal debate may be questioned. Protecting freedom of research is therefore also an investment in reinforcing science's role in democratic governance.

3. Possible scope of legislative proposal

Scope of protection

The freedom of scientific research can be understood as both a positive freedom ("the freedom to" engage in scientific inquiry, pursue, and apply knowledge and communicate openly) as well as a negative freedom ('freedom from" threats to individual health and safety). In defining the scope of protection, both the 'freedom to' and 'freedom from' should be considered. As such, protected freedoms could include the 'freedom to' define research questions and methods; to collect data; to challenge accepted wisdom; to publish and disseminate findings; to associate with others; as well as 'freedom from' institutional or governmental censorship, harassment and other safety threats. Naturally, the scope of the protection should always be subject to law, ethics, and integrity (see 'boundaries' below).

Beneficiaries

These protections would apply to researchers (regardless of contract type), research organisations (universities, PRIs, RTOs), and possibly also private-sector R&D when engaged in scientific research within the EU.

Boundaries

Legitimate and proportionate limits (e.g. individual safety concerns, security/dual-use, data protection, ethics, sanctions) must be recognised, but should not be misused as a pretext for viewpoint-based interference.

Rights and obligations

Researchers should have the freedom to choose their topics and methods, to disseminate results without obstruction, to be protected from retaliation when exercising these rights, and to have access to effective remedies when violations occur.

Research institutions should uphold autonomy and transparent governance. They must ensure reliable peer review and integrity systems, protect staff against harassment, and maintain safeguards against conflicts of interest. They are also responsible for due process in disciplinary proceedings.

Member States carry the responsibility of enabling governance structures that protect research freedom. They must ensure access to judicial and administrative remedies, and refrain from measures that would undermine the independence of research and institutions.

4. Compliance and enforcement

The discussion should address what a proportionate system of sanctions and remedies might look like, and who should apply it. Options could range from warnings and corrective action plans to temporary ineligibility for funding in cases of serious or repeated breaches. The design should strike a balance: sanctions must be strong enough to deter non-compliance, but also proportionate, transparent, and applied with full respect for due process.

5. Objectives of the debate

The main objective of the strategic debate is to gather early input from ERAC on the possible scope and core architecture of a legislative proposal on the freedom of scientific research, while also considering how legal and policy frameworks can reinforce public trust in the independence, transparency, and societal value of science.

Delegations are invited to identify practical and proportionate compliance tools (e.g. funding conditionality, grievance and remedy mechanisms, monitoring options) that protect freedom without over-burdening institutions or encroaching on legitimate national prerogatives. Guidance is also sought on a non-regression clause to respect stronger national protections.

6. Format of the debate

Delegations will have 2 minutes to highlight their main messages on the topic or topics they consider most relevant among the guiding questions below. To foster a more interactive exchange, a 1-minute follow-up round will be held to allow delegations to briefly react to each other's interventions

- What should be the essential scope and protections under an EU legal framework for scientific freedom? (interventions may cover: whether private-sector research should be included in the scope; the minimum non-negotiable rights for individual researchers; and what types of restrictions on scientific freedom are legitimate.)

- What roles and responsibilities should research performing organisations that fall in the scope and Member States have to ensure meaningful implementation and enforcement? (interventions may cover: what kind of compliance and enforcement mechanisms should be considered; the main institutional obligations; and whether funding conditionality is an appropriate tool.)

- How can the legislative proposal best ensure both EU-wide consistency and respect for stronger national protections? (interventions may cover: preference between a regulation or a directive as the legal form; and the position on including a non-regression clause.)