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Freedom of Thought Challenged by Hybrid Threats: Changing Paradigms?

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A New Constitutional Question

Digital disruption → constitutional implications

- From individual expression to systemic conditions for free speech
- EU moves from soft law to binding regulation
- A new paradigm of freedom of thought is emerging

Core issue: How far can EU law shape the democratic public sphere?

The Regulatory Shift

From voluntary measures to enforceable obligations:

- **Digital Services Act** → Platforms must manage risks to civic discourse, elections, rights
- **Political Advertising Regulation** → Common rules for transparency; bans sensitive-data micro-targeting
- **Media Freedom Act** → Protects journalists; limits state control over public media

Key point: EU legislation now enters constitutional domains of Member States



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Constitutional Spillover & Dual Logic

- **Spillover effect:** market laws reshape national rights frameworks
- **Technocratic risks:** rights as tools for regulation, not ends in themselves
- **Converging rationales:**
 - rights protection
 - market integration

Subsidiarity and national **parliamentary autonomy** under strain



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Towards a New Paradigm

- Freedom of thought: structural & supranational
- From negative liberty to positive duty to ensure pluralism
- Need for constitutional legitimacy, not only legal authority

Conclusion Remarks

- Hybrid threats require stronger democracy, not less;
- The EU must evolve with constitutional principles.



EU Institutional Documents

- [Communication from EU Commission COM/2018/236 final](#)
- [FIMI \(Foreign Information Manipulation and Interference\)](#)
- [3rd FIMI Report on March 2025](#) - [Tool kit to identify FIMI](#)
- [Regulation \(EU\) 2022/2065 – Digital Services Act \(DSA\)](#)
- [Regulation \(EU\) 2024/900 – Transparency and Targeting of Political Advertising](#)
- [Regulation \(EU\) 2024/1083 - Media Freedom Act](#)
- General Court, Case RT France v. Council, [T-125/22](#)