

Dear Member of the European Parliament,

We are writing to you to share our concerns about the European Union's proposal for a Regulation on addressing the dissemination of terrorist content online. **We urge the Members of the European Parliament to vote against the adoption of the proposal.**

Since 2018, we, the undersigned human rights organisations, have been warning against the serious threats to fundamental rights and freedoms in this legislative proposal, especially for freedom of expression and opinion, freedom to access information, right to privacy and the rule of law.

Thanks to the work of the European Parliament's negotiations team, an extended debate and the involvement of civil society, a number of problematic issues of the proposal have been addressed during the trilogues between the European Parliament and the Council of the European Union.

However, despite the outcome of the last trilogue negotiation, the final text of the proposed Regulation still contains dangerous measures that will ultimately weaken the protection of fundamental rights in the EU. It also has the potential to set a dangerous precedent for online content regulation worldwide.

The proposed Regulation is headed for a final vote in the plenary of the European Parliament in April 2021. **We urge the Members of the European Parliament to vote against the adoption of the proposal for the following reasons:**

1. The proposal continues to incentivise online platforms to use automated content moderation tools, such as upload filters

This proposal strongly incentivises platforms to deploy automated content moderation tools in order to delete terrorist content. Current content moderation practices are characterised by the profound lack of transparency and accuracy of automated decision making. Increased automation will ultimately result in the removal of legal content, discriminatory treatment of minorities, and underrepresented groups. Platforms already remove massive quantities of content documenting violence in war zones, uploaded by survivors, civilians, or journalists, as tracked by the Syrian and Yemeni Archives. The proposed Regulation, which lacks safeguards to prevent such practices when automated tools are in use, will only reinforce that trend.

2. There is a severe lack of independent judicial oversight

According to the proposed Regulation, Member States designate competent authorities at their discretion. We believe that only courts or politically independent administrative authorities should have a mandate to issue removal orders. The lack of judicial oversight is a severe risk to freedom of expression and access to information. It also subverts the Charter of Fundamental

Rights, which protects the freedom to receive and impart information and says that lawful expression is protected and should only be limited subsequently, by a court and upon legitimate request, not proactively.

3. Member States will issue cross-border removal orders without any checks

According to the outcome of the trilogue, any competent authority will have the power to order the deletion of online content, hosted anywhere in the EU within one hour. This means that one Member State can extend its enforcement jurisdiction beyond its territory without prior judicial review and consideration for the rights of individuals in the affected jurisdictions. In light of the serious threats to the rule of law in certain EU Member States, the mutual trust that underpins the European judicial cooperation might be seriously undermined. Furthermore, the procedure of minimal notification to and verification by the affected state foreseen in the current text does not contain sufficient safeguards against state overreach and abuse of power, and it won't solve disagreements among Member States over what constitutes terrorism, irony, art, or journalistic reporting.

We urge the European Parliament **to reject this proposal, as it will set a dangerous precedent for any future EU legislation regulating the digital ecosystem by distorting the law enforcement framework under the pretext of strengthening the Digital Single Market. Therefore, Terrorist Content Regulation has no place in EU law.**

Access Now

Article 19

Civil Liberties Union for Europe (Liberties)

European Digital Rights (EDRi)

Internationale Liga für Menschenrechte