



Brussels, 18 March 2019,

Dear Members of the European Parliament,

We, the undersigned organisations, would like to express some of our views on the draft Regulation on preventing the dissemination of terrorist content online published in September 2018, ahead of a key vote in the Civil Liberties Committee.

We believe that illegal terrorist content is unequivocally unacceptable offline and online. While we understand the aim of the draft Regulation, we regret that the approach taken by the European Commission and the Council of the European Union did not address the most pressing concerns we share on this text, such as the wide definitions of terrorist content and of hosting service providers falling within the scope of the Regulation, the introduction of unworkable deadlines for content removal and mandatory “proactive measures”. These requirements could necessitate the introduction of upload filters and therefore potentially lead to removal of legal content. Far from helping private and public actors curb the dissemination of terrorist propaganda online, this draft Regulation risks undermining current efforts and could have a strong impact on European citizens’ fundamental rights.

Similar concerns on the provisions of this draft Regulation have been expressed by international institutions, including the [EU Fundamental Rights Agency \(FRA\)](#), the three UN Special Rapporteurs in a [joint opinion](#) and the [European Data Protection Supervisor \(EDPS\)](#).

We therefore urge the Civil Liberties Committee to take a proportionate approach compliant with the EU Charter of Fundamental Rights and the EU acquis, by:

- Ensuring that the **definition of terrorist content is aligned with the Terrorism Directive**, and that the dissemination of such content is directly linked to the intent of committing terrorist offences.
- Narrowing the **definition of terrorist groups** to cover only those terrorist groups listed by the United Nations and the European Union.
- Limiting the **definition of hosting services** to services where a proven risk of propagation of terrorist content to the general public exists i.e. the scope should exclude services such as Cloud Infrastructure, Internet Infrastructure and Electronic Communication Services.

- Amending the extremely short **one-hour deadline** to comply with removal orders; which would lead to over-removal of legal content online and is unworkable for many enterprises.
- Ensuring that **referrals are deleted from the proposal or substantially modified** so they do not lead to private companies bearing the burden of deciding the legality of content instead of the judicial authorities in Member States.
- Clearly aligning the proposal with the e-Commerce Directive, ensuring that any **additional measures** as drafted in Article 6 **are not** “proactive measures” which consist, directly or indirectly, of implementing mandatory **filtering mechanisms thus inadvertently introducing a general monitoring obligation.**
- Ensuring that **removal orders follow robust and accountable procedures** and are issued by a single independent competent authority per Member State.
- Including adaptable provisions for different types of companies and organisations.

Sincerely,

Access Now – <https://www.accessnow.org/>

Allied for Startups – <https://alliedforstartups.org/>

Computer & Communications Industry Association (CCIA) – [www.cccianet.org](http://www.cccianet.org)

Center for Democracy and Technology (CDT) – <https://cdt.org/>

CISPE.cloud, representing Cloud Infrastructure Service Providers in Europe – <https://cispe.cloud/>

EDiMA – <http://edima-eu.org>

EDRi – <https://edri.org/>

EuroISPA, the pan-European association of Internet Services Providers Associations – [www.euroispa.org](http://www.euroispa.org)

Free Knowledge Advocacy Group EU –

[https://be.wikimedia.org/wiki/Free\\_Knowledge\\_Advocacy\\_Group\\_EU](https://be.wikimedia.org/wiki/Free_Knowledge_Advocacy_Group_EU)