

Council and EP Reach Political Agreement on Binding Rules to Fight Terrorist Content Online

News

Thomas Wahl

On 10 December 2020, the German Council Presidency and the negotiators of the European Parliament reached a [political agreement](#) on an EU Regulation on preventing the dissemination of terrorist content online. The Regulation was proposed by the Commission on 12 September 2018, following calls by EU leaders and the European Parliament (→ [eucrim 3/2018, 97-98](#); for a detailed analysis of the proposal, → [G. Robinson, eucrim 4/2018, 234-240\[T2\]](#)). The new legislation will introduce a number of measures to prevent the misuse of Internet hosting services in the EU for the dissemination of texts, images, sound recordings or videos that incite, solicit or contribute to terrorist offences. Already existing voluntary cooperation with these companies will continue, but the EU Regulation is designed to establish binding, uniform rules that will above all ensure the swift removal of terrorist content online. The [main points of the deal](#) include:

- Clear uniform definition of terrorist content online in line with EU fundamental rights protection;
- Material that is disseminated for educational, journalistic, artistic or research purposes or that is to prevent or counter terrorism will not be considered terrorist content - this also includes content expressing polemic or controversial views in a public debate;
- Service providers must remove terrorist content or disable access to it in all EU Member States as soon as possible and in any event within one hour after they have received a removal order from a competent authority of an EU Member State;
- The competent authorities in the Member State where the service provider has its main establishment have the right to scrutinise the removal order and block its execution if they consider it violates fundamental rights;
- Points of contact will facilitate the handling of removal orders;
- Hosting service providers exposed to terrorist content will have to take specific measures to address the misuse of their services and to protect their services against the dissemination of terrorist content;
- The choice of measures is up to the companies, they will not be obliged to monitor or filter content;
- Service providers will also need to publish annual transparency reports on action taken against the dissemination of terrorist content;
- The Regulation will ensure that the rights of ordinary users and businesses will be respected; this includes effective remedies for both users whose content has been removed and for service providers to submit a complaint.

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The agreement will now be finalised at technical level. Both EP and Council will then have to adopt it formally.

Member States have been applying renewed pressure on the EP to finalise the rules swiftly, following terrorist attacks in Paris and Austria in 2020. Alongside the proposal on e-evidence, the Regulation on terrorist content online is nonetheless one of the most controversially discussed legislative initiatives in the area of internal security. Numerous [NGOs have previously called](#) for changes to the text in order to protect individual rights.

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