

# EESC Opinion on Terrorist Content Online Regulation



**Thomas Wahl**

## News

In an opinion published in the Official Journal C 110/67 of 22 March 2019, the European Economic and Social Committee (EESC) largely welcomed the initiative for a regulation on preventing the dissemination of terrorist content online (see [eucrim 2/2018, 97-98](#) and the article by G. Robinson, [eucrim 4/2018, p. 234](#)). The new rules must uphold the right to freedom at stake, which essentially means that access to effective legal protection and to fair and prompt proceedings must be ensured.

The EESC, *inter alia*, recommends the following:

- Clear definition of vague legal concepts, such as “terrorist information,” “terrorist acts,” “terrorist groups,” and “glorifying terrorism;”
- Although technical means of prevention (e.g. algorithms) are useful, accurate assessment of content by means of human, not technical (e.g., algorithmic), interventions for prevention purposes;
- No censorship or forced self-censorship on the Internet;
- Legislation must be aligned to the needs of small- and medium-sized companies that regularly do not have the technical, human, or financial capacities to act effectively against terrorist content;
- Users must be clearly reminded of the existing national rules on the production of terrorist content. The right to appeal against an administrative decision must be guaranteed, along with a clear explanation of this right and online tools for its exercise.

Since the proposed Regulation is based on the EU’s competence to approximate rules for the functioning of the internal market (Art. 114(1) TFEU), the EESC must be consulted. However, its opinion is not binding for the EU co-legislators, namely the European Parliament and the Council.

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