

Terrorist Content Online: Council Agrees on Regulation – Criticism from NGOs



News

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Following the provisional agreement between the Council and the European Parliament in December 2020 on a new regulation addressing the dissemination of terrorist content online (→ [eucrim 4/2020, 284-285](#)), the Council approved the text on 16 March 2021. The regulation will lay down a harmonised legal framework that sets out the obligations for hosting service providers to effectively and swiftly detect and remove online terrorist content from their platforms. On 18 March 2021, the Commission issued a [communication](#) that outlined the main changes made by the Council and the EP to the Commission's initial proposal of 2018 (→ [eucrim 3/2018, 97-98](#)). In the end, the Commission accepted the position taken by the Council. The EP is expected to adopt the Regulation finally during its plenary session at the end of April 2021.

On 25 March 2021, over 60 civil society organisations urged MEPs to vote against the adoption of the regulation. In an [open letter](#), they pointed out that the compromise detailed in the trilogue negotiations “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.” Their opinion is based particularly on the following three aspects:

- The proposal continues to incentivise online platforms to use automated content moderation tools, such as upload filters;
- There is a lack of independent judicial oversight;
- Member States are able to issue cross-border removal orders without checks.

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