



La Quadrature du Net

Anti-Terrorism Regulation: reject mass censorship

Dear Members of the European Parliament,

Next week, you'll vote on the Regulation "on preventing the dissemination of terrorist content online". This text is about to open the doors to mass, unchecked censorship that will lead (and has already led) to political censorship and to the destruction of the European digital ecosystem, in favor of Google and Facebook.

This Regulation will not help to fight terrorism propaganda: people defending murderous ideologies gather on platforms that already intend to breach and circumvent our laws and that will not comply with any removal order at all. When their propaganda reaches other platforms, technical solutions to prevent their upload and dissemination have already proved to fail: even Facebook and Google could not stop Christchurch attack's video to spread on their platforms.

This Regulation will only push for dangerous and useless technical solutions. Murderous ideologies can only be fought through structural and societal changes.

For these reasons, La Quadrature du Net urges you to reject this text.

In case this Regulation cannot be fully rejected, at least three things should be done before the final vote on whether to reject the text as a whole.

1 - Remove the one hour takedown

Only big economic platforms can comply with a removal order within "one hour". Non-profit platforms and small and medium companies cannot technically answer to an order 24/7 (because they have no staff working 24/7) nor identify and remove a content within such a short timespan.

The only way for them not to systematically breach the Regulation (and suffer huge fines) will be to stop their activities or to remove any suspicious content in advance using the automated tools developed by Google and Facebook.

These tools will lead to the bypassing of judges and enable political censorship. They will give Google and Facebook huge economical, technical and political powers over the European digital ecosystem. Your duty is precisely to protect this ecosystem against such predators.

La Quadrature du Net urges you to adopt any amendment that would remove this "one hour" delay.

2 - Require that only judges may issue removal orders

The proposed Regulation would allow public authorities to order any Web platform to remove any content they regard as "terrorist".

French law already provides for such a provision, which has already led French police to use the pretext of "terrorism" to censor political speech which had nothing in common with terrorism (judges [found](#) this censorship to be unlawful only 1.5 years after the censorship happened). In the same way, in the past weeks, Internet Archive has [listed](#) 550 URLs falsely notified as terrorist propaganda by Europol and French police.

This is why removal orders should only be issued by a judge, and not by a "functionally independent administrative authority", as suggested in LIBE's report. Such a provision will allow French police, the OCLCTIC, to be such an authority and to pursue unlawful and unchecked censorship.

La Quadrature du Net urges you to adopt any amendment that would require that only judges may issue removal orders.

3 - Follow LIBE's ban on automated censorship

Your colleagues in LIBE Committee have wisely amended article 6, refusing that public authorities may order platforms to implement automated censorship tools.

These technical tools, implemented by Google and Facebook, has showed to fail against well organized human propaganda, such as the wide spreading of the Christchurch attack's video on their platforms. On the other hand, these tools have already proved to widely and systematically censor lawful speech, and even to harm counter-narratives against murderous ideologies.

For these reasons, LIBE Committee has also required in article 9 that platforms must provide for human verification before voluntarily removing any illicit content.

La Quadrature du Net urges you to reject any amendment that would remove the protections to fundamental rights adopted by the LIBE Committee in its report.