



Romanian Parliament  
Senate

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Bucharest, December 5, 2018

**OPINION**  
**of the Senate**

*regarding the Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online*

*COM (2018) 640 final*

The Romanian Senate examined the **Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online – COM (2018) 640 final** according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of 539/ November 27, 2018 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of December 5, 2018, decided as follows:

- 1. This Regulation does not violates the principle of subsidiarity.**
- 2. This Regulation violates the principle of proportionality, with regard to the content being inadequate:**
  - a) Evaluating the terrorist online content at the discretion of the national authorities, they can use their own definitions and apply different sanctions. Given that the Directive (EU) 541/2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA is not yet transposed in all Member States, a unified definition of terrorist offenses and related sanctions can not be invoked;
  - b) The proposal for a Regulation may restrict unduly the right to free expression;
  - c) Proposals are not in a position to reduce the real dissemination of terrorist online content, as the effect may be superficial and short-term. Content assessed as terrorist risk can be repeatedly reissued, which will generate costs and effort from national authorities that are too high in relation to the assumed objective.

**p. President of the Senate**

**Șerban-Constantin VALECA**