

(English version)

**Question for written answer E-001160/25  
to the Commission  
Christine Anderson (ESN)  
(19 March 2025)**

*Subject:* Potential for applying freedom of speech protections to content created or published through automated processes

Freedom of speech is of the utmost importance, particularly in an online context. Due to the digital medium, freedom of speech manifests itself in various new forms. For instance, automatically generated content published by news sites according to predefined rules and procedures, content collected from the Internet and edited by artificial intelligence before publication (with or without human oversight) and user-generated content. Consequently, the question arises regarding the potential for applying freedom of speech protections to content created or published through automated processes.

1. Does the Commission agree that automatically generated and published content following rules established by humans falls under the principle of freedom of speech, thereby making existing legal protections fully applicable?
2. Provided they are not controlled by fully autonomous artificial general intelligence, does the Commission agree that content generated by human-designed bots should also enjoy freedom of speech protections, as these operate based on rules created by individuals who themselves possess freedom of speech?
3. Does the Commission acknowledge that distinguishing between online bots and humans can often be very challenging, and in cases of uncertainty, does it further agree that online expressions should by default be considered human authored and thus fully protected under freedom of speech principles, unless there is clear evidence to the contrary?

Submitted: 19.3.2025

**Answer given by Mr McGrath on behalf of the European Commission  
(18 June 2025)**

Freedom of expression is enshrined in the Charter of Fundamental Rights <sup>(1)</sup> and a cherished value of the EU. It applies to all forms of expression within the scope and limits provided for in the EU Treaties, international human rights law and the national laws. Human rights are inherent to all human beings <sup>(2)</sup>.

Putting people and their rights at the centre of the digital transformation are also core principles in the EU approach to digitalisation and technological advancement.

Technology must support rights and democracy. It is always the individuals who may avail themselves of free expression rights and their protection.

Automatically generated and published content does not in itself enjoy any protection in this respect. Artificial intelligence (AI) systems can support people's exercise of freedom of expression and freedom of information with a variety of tools, such as search engines or translation software.

As provided for in the AI Act <sup>(3)</sup>, certain AI systems intended to interact with natural persons or to generate content may pose risks of impersonation or deception.

The AI Act contains rules to distinguish between AI generated content and human generated content, including rules to ensure that the use of AI systems to generate content such as deep fakes should clearly and distinguishably disclose the artificial character of the content generation.

Inauthentic use or tactics involving artificially generated content, including the use of online bots, could also lead to the widespread dissemination of illegal content online and contribute to disinformation campaigns.

The Digital Services Act provides obligations for providers of very large online platforms and very large online search engines to assess and mitigate systemic risks stemming from their services, including negative effects on freedom of expression <sup>(4)</sup>.

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<sup>(1)</sup> Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391-407.

<sup>(2)</sup> United Nations, Universal Declaration of Human Rights, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>(3)</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>.

<sup>(4)</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, p. 1-102.

They shall act in a diligent, objective and proportionate manner in applying content moderation restrictions, with due regard to freedom of expression.

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