

(English version)

**Question for written answer E-002239/25
to the Commission
Christine Anderson (ESN)
(4 June 2025)**

Subject: UK arrests for online speech and implications for EU digital regulation

Recent reports in The Times (4 April 2025) ⁽¹⁾ reveal that UK police make over 30 arrests per day for ‘offensive’ online communications under vague laws criminalising messages that cause ‘annoyance’, ‘inconvenience’ or ‘anxiety’. Over 12 000 such arrests occurred in 2023 alone, with civil liberties groups warning of a chilling effect on free speech. Most cases do not result in conviction, yet individuals are subjected to police detention and reputational damage merely for expressing controversial views online.

Given the EU’s own trajectory of regulating online content via the Digital Services Act and other instruments, and in view of the UK’s post-Brexit shift away from EU legal safeguards such as the Charter of Fundamental Rights of the European Union, I ask the Commission:

1. Does the Commission consider Brexit a contributing factor in this decline in free expression in the UK?
2. What safeguards exist in EU law to prevent similar over-policing of speech in the Member States, particularly when this results from employing vague legal terms and concepts?
3. How will the Commission ensure that EU digital regulation does not enable comparable infringements on freedom of expression?

Submitted: 4.6.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(24 July 2025)**

In the EU, the Digital Services Act (DSA) reinforces freedom of expression and of information. The law ensures that both under-removal and over-removal of content on grounds of illegality are avoided.

For example, EU Member States cannot force digital services to do generalised online surveillance of citizens. Also, digital services are not liable for illegal online content generated by users, unless they are aware and do not act expeditiously to remove it.

This helps digital services of any size disseminate information to their users, and enhances access to information in the Union, including across borders. Moreover, the DSA does not define what online content is illegal.

The illegality of certain online content stems from existing EU laws, and laws of EU Member States. Laws that determine illegality of such content at the EU level, or by Member States when they implement EU law, must comply with the EU Charter of Fundamental Rights.

Any limitation to freedom of expression, including the criminalisation of certain online content must be provided in law, respect the essence of such freedom, and made only if necessary to meet the legitimate aim they pursue according to the principle of proportionality. Measures to protect the rights of EU citizens online are thereby subject to strict scrutiny of European courts.

In the EU, designated digital services need to annually assess the systemic risks that their services pose to freedom of expression and of information, among other systemic risks.

Independent auditors and the Commission oversee this. The reports on the risk assessments by the providers are publicly available. These obligations stem from the DSA and reflect the EU’s human rights-based approach to online platform governance.

¹ <https://www.thetimes.com/uk/crime/article/police-make-30-arrests-a-day-for-offensive-online-messages-zbv886tqf>.