

**Question for written answer
to the Commission**

Rule 138

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Subject: Infringement of the European Electronic Communications Code (Directive (EU) 2018/1972) and Regulation (EU) 2015/2120

On 18 October 2019, Spanish Police Guardia Civil, following a court order¹, required the major internet operator companies to block websites² related to Tsunami Democràtic³, which is organizing some of the peaceful and mass demonstrations against the judicial verdict convicting Catalan leaders to 9 to 13 years in prison for the 1 October 2017 self-determination referendum. This is the second time that the Spanish Judiciary blocks Catalan websites⁴.

Article 100 of Directive 2018/1972 states that such internet blocking state-measures shall respect the EU Charter of Fundamental Rights. Regulation 2015/2120 states that such measures 'are only to be imposed if they are appropriate, proportionate and necessary'.

Does the Commission consider that the abovementioned state measures contravene Article 100 of Directive 2018/1972?

Does the Commission consider, in this particular case, that the use of DNS blocking is proportionate, as required by Article 3(3) of the Regulation (EU) 2015/2120 and taking into consideration that it entails a risk of over-blocking?

Does the Commission consider that these measures might compromise the right to freedom of expression and information, and to freedom of peaceful assembly established in articles 11 and 12 of the EU Charter of Fundamental Rights?

¹ https://www.eldiario.es/politica/Audiencia-Nacional-ordena-Tsunami-Democratic_0_954005264.html

² <https://www.businessinsider.es/justicia-no-podra-derribar-app-tsunami-democratic-513349>

³ <https://www.vilaweb.cat/noticies/la-guardia-civil-ordena-el-blocatge-de-les-webs-del-tsunami-democratic/>

⁴ <https://www.internetsociety.org/news/statements/2017/internet-society-statement-internet-blocking-measures-catalonia-spain>