

Editorial

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*Francisco Javier Cabrera Blázquez
European Audiovisual Observatory*

“Information is the oxygen of the modern age. It seeps through the walls topped by barbed wire, it wafts across the electrified borders. The Goliath of totalitarianism will be brought down by the David of the microchip.” This sentence, pronounced in June 1989 by former US President Ronald Reagan, is full of the cyberoptimism prevalent in the early days of the Internet. Thirty years later, we have become soberingly aware that the microchip is not only controlled by other giants at Silicon Valley, but also that the information freely flowing through our borders may be toxic in some cases. Certainly, nobody believes anymore that there should be no speech restrictions on the Internet. However, any judge trying to remove illegal content available online stumbles into a seemingly unsurmountable hurdle: the Internet is global, but jurisdiction is only national. Now, the Court of Justice of the European Union (CJEU) seems to have, for the first time, shaken this apparently unmovable principle. In a judgment handed down on 3 October 2019, it ruled that EU law does not preclude a court of a member state from *“ordering a host provider to remove information covered by [an] injunction or to block access to that information worldwide within the framework of the relevant international law”*. Is this a first attempt at creating a worldwide cyber-jurisdiction? Probably not, but in any event, this judgment has stirred up quite a controversy about the reach of the EU’s jurisdictional grasp. Which is all the more surprising in view of the fact that in another judgment concerning the so-called “right to be forgotten”, the CJEU ruled that where a search engine operator *“grants a request for de-referencing [...] that operator is not required to carry out that de-referencing on all versions of its search engine, but on the versions of that search engine corresponding to all the Member States [...]”*. So, no jumping EU borders here. These two apparently contradictory judgments, reported hereunder, will certainly provide food for thought and debate in legal and tech circles in the months to come. With these and many other news items, we round up the year with this last issue of the European Audiovisual Observatory’s legal newsletter. On behalf of our team, let me wish you a good end to 2019 and an enjoyable read of our many reports! Maja Cappello, Editor European Audiovisual Observatory

