



## Freedom of speech in the EU is history

The basis of freedom is already history in the EU - doubters are confronted with facts that we show here.

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### Decomposition of freedom in two steps

*Freedom of speech until March 2, 2022*

Article 11 of the Charter of Fundamental Rights of the European Union reads as follows:

*1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of*

*frontiers.*

*2. The freedom and pluralism of the media shall be respected.*

## ARTIKEL 11 - FREIHEIT DER MEINUNGSÄUSSERUNG UND INFORMATIONSFREIHEIT

That sounds good and it establishes a freedom without restriction. However, this no longer has anything to do with today's reality, because these rights to freedom have been history since March 2, 2022. Thus, Article 11 of the EU Charter is dead letter.

### Step 1 - Banning RT and Sputnik in the EU

On March 2, 2022, the Council of the European Union, on the proposal of Mr. Borell, High Representative for Foreign Affairs and Security Policy, adopted a regulation overturning Article 11 of the Charter of Fundamental Rights.

#### *A justification which is none*

The considerations refer to Russian media channels RT and Sputnik as "hybrid threats" whose countering must be ensured,

Countering

*"for countering hybrid threats at Union and Member States' level, and possible responses in the field of hybrid threats including, inter alia, to foreign interference and influence operations, which may cover preventive measures as well as the imposition of costs on hostile state and non-state actors."*

#### POINT 5 - COUNCIL REGULATION (EU) 2022/350

Die Begründung ist in keiner Art und Weise nachvollziehbar und bedient sich Wortkreationen, welche keinerlei Bedeutung haben. So weiss niemand - wohl auch der Verfasser dieser Verordnung nicht - was eine "hybride Bedrohung" im Zusammenhang mit Berichterstattung ist.

Weiter:

*«Diese Propagandaaktionen wurden über eine Reihe von Medien unter ständiger direkter oder indirekter Kontrolle der Führung der Russischen Föderation verbreitet. Solche Massnahmen stellen eine erhebliche und unmittelbare Bedrohung für die öffentliche Ordnung und Sicherheit der Union dar.»*

## POINT 8 - COUNCIL REGULATION (EU) 2022/350

The extent to which reporting from Russia could threaten public order and security in Europe remains unanswered, since Russian reporting is simply not capable of threatening public order and security. Again, this is an argument that is none.

We will see in the second part of this article that Russian coverage rather threatens the credibility of the Western narrative on this conflict.

Further::

*I"[...] t is necessary, consistent with the fundamental rights and freedoms recognised in the Charter of Fundamental Rights, in particular with the right to freedom of expression and information as recognised in Article 11 thereof, to introduce further restrictive measures to urgently suspend the broadcasting activities of such media outlets in the Union, or directed at the Union."*

## POINT 10 - COUNCIL REGULATION (EU) 2022/350

This statement shows that freedom is gone: the EU justifies the destruction of freedom of speech by destroying the very freedom it claims to protect. If it is already extremely difficult to follow the regulation gobbledygook linguistically, the content represents nothing other than an attack on common sense and even more so on legal expertise.

### *A regulation overturns the charter*

It is (actually) legally impossible, or at least it should be, to overturn liberties that are written down in a charter - i.e. constitution - and represent the nucleus of democracy, with a regulation. In addition, this regulation is referred to in parentheses - as "non-legislative acts"

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## II

(Non-legislative acts)

## REGULATIONS

COUNCIL REGULATION (EU) 2022/350

of 1 March 2022

amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions  
destabilising the situation in Ukraine

Screenshot Page 1 of Regulation

## Freedom of speech is the basis of all freedom

A democracy functions only when freedom prevails. Freedom of speech is the basis of all other freedoms. If you cannot express your opinion - whether it is right or wrong should not matter - other freedoms (freedom of religion, freedom of assembly, freedom of trade and commerce, freedom of property, etc.) cannot flourish at all.

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**«Was die EU hier macht, hat mit Recht nichts zu tun.»**

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This was clear to the fathers of the American Constitution. In the so-called "[Bill of Rights](#)," which contains the first 10 amendments to the U.S. Constitution and was enacted in 1791, freedom of expression is in first place (First Amendment).

*“Europe is a garden – most of the rest of the world is a jungle”.*

BERLLINER ZEITUNG

## *Death of constitutional law leads to the demise of law*

What makes the destruction of the freedom of the in EU really perverse is the way in which this has happened and continues to happen: On the initiative of one individual - here: Mr. Borell - within a few days, the freedom of expression enshrined in the Charter of the EU was overturned with a regulation. Nota bene a regulation, which is called a "non-legislative acts", whatever that may mean.

The hierarchy of decrees has good reasons.



«Europe is a garden - most of the rest of the world is a jungle» - Mr. Borell knows what is good for you. Source:: [Wikipedia](#)

## *Model Switzerland - no longer works either, as it is bypassed*

In Switzerland, we have, to put it simply, three levels of enactments. At the top of this hierarchy is the constitution (for the EU: charter), followed by the laws and finally the regulation as the lowest form of enactment.

The higher an enactment is in the hierarchy, the more difficult and time-consuming it is to enact, amend or delete a provision.

In Switzerland, a constitutional amendment requires a national referendum, in which not only the majority of the voting population but also the majority of the cantons must approve an amendment. Why is this good?

In Switzerland, this means that a constitutional amendment is intensively discussed by the people and politicians. When it comes to important constitutional decisions, there is a real battle of words on television, on social media, in the newspapers, in parliaments, at regulars' tables and at home at the kitchen table. People don't grant each other anything, are forced to listen to counter-opinions and give skeptics a stage. Then, when everyone is exhausted, a vote is taken. In my opinion, the results of popular votes in Switzerland in the past were characterized by skepticism towards the authorities - i.e. politicians - and by self-responsibility - a good thing.

The Swiss system came very close to the democratic ideal in the past with regard to the structure of lawmaking.

However, decisions by politicians, influence on the media during COVID and the - in my opinion - unlawful actions of authorities in connection with the collapse of Credit Suisse are increasingly clouding this image; we have reported on the legally disastrous handling of Credit Suisse "[Derivatives Bomb – Credit Suisse Rescue – Everyone Was Lied To](#)"

Even Switzerland, the guardian of the Holy Grail of direct democracy, tends to give the executive far too long a leash, which leads to results that no longer have much to do with the so cherished sovereignty of the people.

Switzerland has not blocked RT and Sputnik, but our politicians - without asking the people - have adopted the EU's sanctions against Russia lock, stock and barrel, thus abandoning the neutrality enshrined in the constitution. In my opinion, this is a disaster that an initiative committee now wants to correct - probably too late.

### *[Incendiary development](#)*

If our readers are of the opinion that the EU decree discussed above, which "merely" curtails the freedom of expression of Russian media, is an isolated case in times of need - far from it.

## Step 2 - Digital Services Regulation - a wolf in sheep's clothing

On October 19, 2022, the EU issued a regulation with the cryptic name "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)". This regulation is scheduled to go into effect on February 17, 2024.

### *Orwellian times await us*

It is impossible to go into all the important considerations and articles of this regulation in this paper. The regulation comprises 120 pages and is unreadable even for a lawyer.

At this point, the reader should merely be made aware of the fact that in the EU - and thus also in Switzerland - a regime is being introduced behind closed doors that makes George Orwell's novel "1984" look like breakfast television. George Orwell wrote his work "1984" in the 40's of the last century, after the Second World War. He had no idea what today's information technology would look like and what simple means could be used to enslave people today.

### *Bright start of the text*

When you start reading this regulation, you really think - at least initially - that this decree is about the protection of competition, legal harmonization and the protection of consumers and minors.

A short reading sample:

*"Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trustworthy online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union (the 'Charter'), in particular the freedom of expression and of information, the freedom to conduct a business, the right to non-discrimination and the attainment of a high level of consumer protection."*

POINT 3 REGULATION (EU) 2022/2065 OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL



If you take the trouble to read the entire 120-page document, the implications become clear.

### *Crisis is when the committee wants crisis*

Recital No. 91, for example, has real meat on the bone: it talks about times of crisis, which are so broadly defined that any situation can be subsumed under the term "crisis". For example, after a concrete list, a so-called "catch-all" clause is regularly added at the end, i.e. a clause that covers everything and gives the authorities a blank check (highlighted in bold). Crisis is,

*[...] when extraordinary circumstances occur that can lead to a serious threat to public security or public health in the Union or significant parts thereof. Such crises could result from armed conflicts or acts of terrorism, including emerging conflicts or acts of terrorism, natural disasters such as earthquakes and hurricanes, as well as from pandemics and other serious cross-border threats to public health."*

### POINT 91 REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

If there is a crisis, the committee rules - who exactly is the committee remains in the dark. The following statement can be found on the website of the European Commission:

*"An important part of the oversight and enforcement framework of the Digital Services Act will also be the committee composed of independent digital services coordinators."*

### QUESTIONS AND ANSWERS: DIGITAL SERVICES ACT

Those readers who have actually read the novel "[Nineteen Eighty-Four](#)" by George Orwell will recognize the body as the "Ministry of Truth".

The committee has all-encompassing powers - together with the EU Commission.

### *Informer*

Then the "nformers" are introduced. These informers are nothing more than snitches who investigate "illegal" content and have it removed. According to the ordinance, these snitches must be trustworthy. The question of how this



trustworthiness is determined and who does this remains in the dark. (para. 62 - REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL).

*Companies are obliged to cooperate with these informers and are required to provide information about users to the authorities.*

## POINT 56 REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

### *Definition der Rechtswidrigkeit*

Hier wird das Recht nun absolut zersetzt, indem Rechtswidrigkeit schwammig definiert wird:

*"In order to achieve the objective of ensuring a safe, predictable and trustworthy online environment, for the purpose of this Regulation the concept of 'illegal content' should broadly reflect the existing rules in the offline environment. In particular, the concept of 'illegal content' **should be defined broadly** to cover information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that the applicable rules render illegal in view of the fact that it relates to illegal activities."*

## POINT 12 REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

The regulation goes further by equating the term "unlawful" with "otherwise harmful"

*"This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council (5), that is, any service normally provided for remuneration, at a distance, by electronic means and at the individual*

*request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as 'mere conduit', 'caching' and 'hosting' services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of **unlawful or otherwise harmful information** and activities."*

#### POINT 5 REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

After the term "unlawful" is defined so vaguely in paragraph 12, the regulation completely disintegrates the law by equating the term "unlawful" with "otherwise harmful". "Otherwise harmful" is not a legal term, and thus information that is not acceptable to the EU authorities can be labeled illegal. This is pure despotism.

#### *Complete data access by the EU*

Article 4 of the regulation is another complete step into a totalitarian system. Under the title "Data Access and Control," the authorities gain access - "upon reasonable request" - to the data of private providers.

*"Providers of very large online platforms or of very large online search engines shall provide the Digital Services Coordinator of establishment or the Commission, at their reasoned request and within a reasonable period specified in that request, access to data that are necessary to monitor and assess compliance with this Regulation."*

#### ART. 40 REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

In a democratic system, official access to private data requires criminal proceedings and a court order. This is history.

# Democracy, which is no longer

The EU has to accept the criticism that it is a totalitarian system that does not care one iota about the most basic rules of state law and legal interpretation. That this is not a baseless assertion, but a fact, is evident from this article in all clarity.

## Conclusion

The EU, which likes to pose as a democratic entity, has become a totalitarian state entity, where already the law-making process in the form is none. We have discussed and demonstrated here that the content of the decrees also opens the door to an overall system that does not reach the lowest threshold of law, but has led to an Orwellian world.

The EU will completely control the Internet and the information that can be found in it. The de facto illegibility of the decrees and the definitions of terms that can be stretched in any direction - such as "illegality" - can put an end to anyone who expresses an opinion that does not fit the narrative of the EU leaders.

For example, what the EU authorities call "harmful" can be removed and the operators of platforms are forced - without a court order - to hand over private data of the users of these platforms to the authorities so that the "offenders" can be prosecuted.

Since Switzerland, as a non-EU member, has adopted enactments in the past - i.e. sanctions - tel-quel, it is to be feared that this inhumane set of rules will also be introduced in Switzerland.

This tendency, which the media in the West have supported since the beginning of the war - or already during the COVID period - is now being "legally" codified.

In the second part we will discuss what consequences this kind of information management has. We will show by examples how far this ideological reporting has been removed from the facts since February 2022 and how media already target exponents who propagate free expression of opinion.

### ARTICLE TAGS:

Analysis   Borell, Josep   Orwell, George   Europe   European Union (EU)   RT - Russia Today  
Sputnik   Credit Suisse (CS)   European Parliament