



REVIEW OF MASTER THESIS

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| University: | Palacký at Olomouc |
| Faculty: | Law |
| Department: | International and European Law |
| Author: | Jacob Espejo Rosa |
| Title of the doctoral dissertation: | <i>Intermediaries' liability in the online provision of services in light of the upcoming EU law reform in the sector: legal issues in view of illegal content removal</i> |
| Supervisor: | Doc. JUDr. Václav Stehlík, LL.M., Ph.D. |

1. Topic of the thesis

First of all the diploma thesis focuses on a developing and highly actual issue concerning the on-line environment and its regulation by the EU law. I found research in this area as most important and necessary due to the enormous influence of online environment on the society today. The proper functioning thereof is subject to a well set-up of rules for the role and - in the final stanza - liability of the intermediaries of online services. In the context of the EU internal market these rules are necessarily adopted at the EU level and further on implemented and enforced by authorities of EU Member States.

The second point important in the evaluation of the topic is that the original regime set up by EU regulation is now undergoing a change and the new regime might tend to change the parameters of the current role of the intermediaries and their liability. A proper evaluation of the proposal seems to be crucial for the current debate in this field.

Lastly it should be noticed that the liability of intermediaries has been influenced by the case-law of the EU Court of Justice that interpreted and partly reshaped the applicable rules.

All these three aspects are a good ground for the topic to be elaborated as a master thesis and are the reason why I welcomed the choice of the topic.

2. Evaluation of the content of the thesis

The thesis is divided into two sections with two chapters for each section. Preceding the first section the author explicates the structure of the thesis, its methodology and research

questions. The logic of the thesis is to introduce in the first section the topic of intermediaries' liability and explicate the principles of the currently valid EU legislation. Still, this part is not a mere description, and the author also adds the new points from the proposed legislative revision. I found this more an introductory part as useful due to the rather novel area which is regularity not covered in master tuition in the study programme focused on general EU law.

The second section then deals directly with the specific issues concerning means of response to illegal content on the internet dealing with notice-and-down system or "good Samaritan" paradox. Furthermore, the author covered the usage of automated content recognition and filtering technologies to tackle illegal content online. In this regard he dealt with the adequateness test, use of automated systems both within the current system as well as the newly proposal regulation.

The thesis is closed by conclusions where the author gives answers to the research questions set-up at the opening of the thesis. I found the results as fairly argued and – in the context of master thesis – fully acceptable.

In general, I found the thesis as well structured with internal consistence; we had the opportunity to discuss it with the author during the process of its elaboration. It shows a fair knowledge of the author and enthusiasm for the topic. Surely the topic is very broad, but I think that the author was able to choose his own perspective and circle round the topics he wanted to cover. During the defence of the thesis the author might cover especially the shortcomings of current system of liability and the solutions which the new legislation might bring.

In this regard I have no objections to the thesis and fully recommend it for the defence. I proposal the classification "A" depending on the outcome of the defence of the thesis.

In Olomouc, August, 16, 2022

Václav Stehlík