

Jurius

Tackling Illegal Content Online

The Commission is presenting guidelines and principles for online platforms to increase the proactive prevention, detection and removal of illegal content inciting hatred, violence and terrorism online.

Category: News

Region: EU

Field of law: Cybercrime; Internet law

Citation: Jurius, Tackling Illegal Content Online, in: Jusletter IT 23 November 2017

[Rz 1] As announced by President Juncker in his Letter of Intent accompanying his State of the Union speech of 13 September 2017, the European Commission is presenting guidelines and principles for online platforms. The aim is to increase the proactive prevention, detection and removal of illegal content inciting hatred, violence and terrorism online. The increasing availability and spreading of terrorist material and content that incites violence and hatred online is a serious threat to the security and safety of EU citizens. It also undermines citizens' trust and confidence in the digital environment – a key engine of innovation, growth and jobs.

[Rz 2] Following up on the European Council conclusions of June 2017, echoed by G7 and G20 leaders, the proposed measures constitute a first element of the Anti-Terrorism package announced by President Juncker. They will contribute to making the fight against illegal content more effective and will advance the ongoing work to build an effective and genuine EU Security Union and a stronger Digital Single Market.

[Rz 3] Vice-President for the Digital Single Market Andrus Ansip said: «We are providing a sound EU answer to the challenge of illegal content online. We make it easier for platforms to fulfil their duty, in close cooperation with law enforcement and civil society. Our guidance includes safeguards to avoid over-removal and ensure transparency and the protection of fundamental rights such as freedom of speech.»

[Rz 4] Vera Jourová, Commissioner for Justice, Consumers and Gender Equality, said: «The rule of law applies online just as much as offline. We cannot accept a digital Wild West, and we must act. The code of conduct I agreed with Facebook, Twitter, Google and Microsoft shows that a self-regulatory approach can serve as a good example and can lead to results. However, if the tech companies don't deliver, we will do it.»

[Rz 5] Julian King, Commissioner for the Security Union, said: «The digital world offers unprecedented opportunities but, in the wrong hands, poses a serious threat to our security. Internet companies have a central role in eliminating online terrorist material by stepping up their efforts and showing corporate social responsibility for the digital age.»

[Rz 6] Mariya Gabriel, Commissioner for the Digital Economy and Society, said: «The Commission has decided to thoroughly tackle the problem of illegal content online. The situation is not sustainable: in more than 28% of cases, it takes more than one week for online platforms to take down illegal content. Today we provide a clear signal to platforms to act more responsibly. This is key for citizens and the development of platforms.»

[Rz 7] With the surge of illegal content online, including online terrorist propaganda and xenophobic and racist speech inciting violence and hatred, online platforms have an increasingly important role to play and need to step up their social responsibility. The new guidance issued on 28 September 2017 calls on online platforms to further boost their efforts to prevent the spread of illegal content. Given their increasingly important role in providing access to information, the Commission expects online platforms to take swift action over the coming months, in particular in the area of terrorism and illegal hate speech – which is already illegal under EU law, both online and offline.

[Rz 8] As a first step to effectively fight illegal content online, the Commission is proposing common tools to swiftly and proactively detect, remove and prevent the reappearance of such content:

- Detection and notification: Online platforms should cooperate more closely with competent national authorities, by appointing points of contact to ensure they can be contacted rapidly

to remove illegal content. To speed up detection, online platforms are encouraged to work closely with trusted flaggers, i.e. specialised entities with expert knowledge on what constitutes illegal content. Additionally, they should establish easily accessible mechanisms to allow users to flag illegal content and to invest in automatic detection technologies.

- **Effective removal:** Illegal content should be removed as fast as possible, and can be subject to specific timeframes, where serious harm is at stake, for instance in cases of incitement to terrorist acts. The issue of fixed timeframes will be further analysed by the Commission. Platforms should clearly explain to their users their content policy and issue transparency reports detailing the number and types of notices received. Internet companies should also introduce safeguards to prevent the risk of over-removal.
- **Prevention of re-appearance:** Platforms should take measures to dissuade users from repeatedly uploading illegal content. The Commission strongly encourages the further use and development of automatic tools to prevent the re-appearance of previously removed content.

[Rz 9] The communication is a first step and follow-up initiatives will depend on the online platforms' actions to proactively implement the guidelines. The Commission will carefully monitor progress made by the online platforms over the next months and assess whether additional measures are needed in order to ensure the swift and proactive detection and removal of illegal content online, including possible legislative measures to complement the existing regulatory framework. This work will be completed by May 2018.

[Rz 10] The European Union has already responded to the challenge of illegal content online, through both binding and non-binding measures. Policy responses include the Directive to combat the sexual abuse and sexual exploitation of children and child pornography, the Terrorism Directive, the proposed reforms of the EU copyright rules and the Audiovisual Media Services Directive, also part of the Digital Single Market strategy.

[Rz 11] These legislative measures have been complemented by a range of non-legislative tools that will be supported by the actions outlined in the Communication such as the Code of Conduct on Countering Illegal Hate Speech Online, the work of the EU Internet Forum on combatting terrorist propaganda and the Memorandum of Understanding on the sale of Counterfeit Goods. The European Strategy for a Better Internet for Children is a self-regulatory initiative aiming to improve the online environment for children and young people.

Source: Press Release of the European Commission No. 17-3493 of 28 September 2017