

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2018/0331(COD) Political agreement in Council on its 1st reading position
Preventing the dissemination of terrorist content online	
Subject 3.30.25 International information networks and society, internet 7.30.20 Action to combat terrorism	
Legislative priorities Joint Declaration 2021	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 JAKI Patryk	04/09/2019
		Shadow rapporteur	
		 ZARZALEJOS Javier	
		 KALJURAND Marina	
		 PAGAZAURTUNDÚA Maite	
		 GARRAUD Jean-Paul	
		 BREYER Patrick	
	Former committee responsible		
	 Civil Liberties, Justice and Home Affairs (Associated committee)	 DALTON Daniel	03/12/2018
Former committee for opinion			
 Culture and Education (Associated committee)	 WARD Julie	11/12/2018	
 Industry, Research and Energy	The committee decided not to give an opinion.		
 Internal Market and Consumer Protection		24/09/2018	
	 REDA Julia		
Council of the European Union	Council configuration Justice and Home Affairs (JHA)	Meeting 3661	Date 06/12/2018
European Commission	Commission DG	Commissioner	

Key events

12/09/2018	Legislative proposal published	COM(2018)0640	Summary
22/10/2018	Committee referral announced in Parliament, 1st reading/single reading		
31/01/2019	Referral to associated committees announced in Parliament		
08/04/2019	Vote in committee, 1st reading/single reading		
09/04/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0193/2019	Summary
17/04/2019	Results of vote in Parliament		
17/04/2019	Decision by Parliament, 1st reading/single reading	T8-0421/2019	Summary
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
11/01/2021	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		

Technical information

Procedure reference	2018/0331(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Political agreement in Council on its 1st reading position
Committee dossier	LIBE/8/14582

Documentation gateway

Legislative proposal	COM(2018)0640	12/09/2018	EC	Summary
Document attached to the procedure	SWD(2018)0408	12/09/2018	EC	
Document attached to the procedure	SWD(2018)0409	12/09/2018	EC	
Economic and Social Committee: opinion, report	CES4761/2018	12/12/2018	ESC	
Committee draft report	PE633.042	21/01/2019	EP	

Amendments tabled in committee		PE636.146	25/02/2019	EP	
Amendments tabled in committee		PE636.147	25/02/2019	EP	
Amendments tabled in committee		PE636.150	25/02/2019	EP	
Committee opinion	CULT	PE632.087	13/03/2019	EP	
Committee opinion	IMCO	PE632.028	15/03/2019	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0193/2019	09/04/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0421/2019	17/04/2019	EP	Summary
Commission response to text adopted in plenary		SP(2019)440	08/08/2019	EC	

Additional information

2018/0331(COD) - 12/09/2018 Legislative proposal

PURPOSE: strengthen the action of the European Union in combatting the spread of online terrorist content.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with council.

BACKGROUND: the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist-related content in order to spread their message, radicalise and attract new recruits, as well as to facilitate and direct terrorist activities is of particular concern. Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers, the EU Internet Forum.

The Commission proposes to complement these efforts with a clear legislative framework in order to further reduce accessibility to terrorist content online and adequately address a rapidly evolving problem. This legislative framework seeks to build on voluntary efforts, which were reinforced by the [Commission Recommendation \(EU\) 2018/334](#) and responds to calls made by the European Parliament in [its resolution](#) of 15 June 2017 to strengthen measures to tackle illegal and harmful content and by the European Council to improve the automatic detection and removal of content that incites to terrorist acts.

IMPACT ASSESSMENT: the impact assessment concluded that a series of measures were needed to achieve the strategic objective of reducing online terrorist content. Three main options were considered, in addition to the baseline scenario, with increasing degrees of effectiveness in achieving the objectives set in the impact assessment.

CONTENT: the draft regulation aims to increase the effectiveness of current measures to detect, identify and remove terrorist content online without encroaching on fundamental rights, such as freedom of expression and information.

In specific terms, the proposal:

- defines terrorist content as material and information that incites, encourages or advocates the commission or contribution to terrorist offences, provides instructions for the commission of such offences or promotes the participation in activities of a terrorist group;
- provides for duties of care to be applied by hosting service providers when taking action in accordance with the regulation and in particular, with due regard to the fundamental rights involved;
- requires Member States to empower competent authorities to issue removal orders and lays down a requirement for hosting service providers to remove content within one hour of the receipt of a removal order;
- sets out the minimum elements referrals should contain and procedures for hosting service providers to give feedback to the issuing authority, and to inform the latter if it is not possible to comply with the order or if further clarification is required;
- requires hosting service providers, where appropriate, to take proactive measures commensurate with the level of risk and to remove terrorist material from their services, including deploying automated detection tools;
- requires hosting service providers to: (i) preserve removed content and related data for six months for review proceedings and for investigative purposes; (ii) explain their policies against terrorist content and to publish annual transparency reports on the actions taken in this regard; (iii) put in place specific safeguards and remedies to ensure that users can challenge the deletion of their content;
- requires Member States to ensure that competent authorities have sufficient capability and resources to combat online terrorist content and to cooperate with each other and, where appropriate, with Europol, to avoid duplicating work and any interference with ongoing investigations;
- provides for the establishment of points of contact by both hosting service providers and Member States to facilitate communication between them, particularly in relation to referrals and removal orders;
- requires hosting service providers which do not have an establishment within any Member State but which do offer services within the Union, to designate a legal representative in the Union;
- specifies that Member States should lay down rules on penalties for non-compliance and provides criteria for Member States to take into account when determining the type and level of penalties.

2018/0331(COD) - 09/04/2019 Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Daniel DALTON (ECR, UK) on the proposal for a regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online.

The committees recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Purpose and scope

The proposed Regulation shall provide rules on reasonable and proportionate duties of care to be applied by hosting service providers in order to tackle the public dissemination of terrorist content through their services and ensure, where necessary, its swift removal.

It shall apply to hosting service providers offering services in the Union to the public, irrespective of their place of main establishment. It shall not apply to content which is disseminated for educational, artistic, journalistic or research purposes, or for awareness raising purposes against terrorist activity, nor to content which represents an expression of polemic or controversial views in the course of public debate.

The Regulation shall apply without prejudice to the fundamental principles of Union law and national law relating to freedom of expression, freedom of the press and freedom and pluralism of the media.

Terrorist content

The legislation shall cover material that, inter alia: (i) incites to commit an offence by glorifying terrorist acts, (ii) soliciting persons to participate in the activities of a terrorist group, including by providing information or material resources, or by financing its activities in any way; (iii) provides instructions for the manufacture or use of explosives, firearms or other weapons or harmful or dangerous substances to commit a terrorist offence.

Due diligence obligations and removal orders

Hosting service providers shall apply certain duties of care, in order to tackle the dissemination of terrorist content on their services to the public. These duties of care should not amount to a general obligation on hosting service providers to monitor the information which they store, nor to a general obligation to actively seek facts or circumstances indicating illegal activity.

Where hosting service providers obtain knowledge or awareness of terrorist content on their services, they shall inform the competent authorities of such content and remove it expeditiously. They shall remove terrorist content or disable access to it as soon as possible and within one hour from receipt of the removal order.

If the competent authority concerned has not previously issued a removal order to a hosting service provider, it should contact the latter by providing information on the applicable procedures and deadlines at least 12 hours before issuing a removal order.

Members introduced new provisions to clarify the consultation procedure for removal orders and the cooperation procedure for issuing an additional removal order.

Proactive measures

If it establishes that a provider of hosting services has received a substantial number of removal orders, the competent authority may send a request for necessary, proportionate and effective additional specific measures to be implemented by the provider of hosting services.

Transparency obligations

Only hosting service providers which are subject to removal orders for that year should be obliged to publish annual transparency reports containing meaningful information about action taken in relation to the detection, identification and removal of terrorist content. Competent authorities shall also publish annual transparency reports.

The Commission shall set up an online register listing all competent authorities and the designated contact point for each competent authority.

Sanctions

Member States shall lay down the rules on penalties applicable to systematic and persistent breaches of the obligations by hosting service providers under this Regulation.

2018/0331(COD) - 17/04/2019 Text adopted by Parliament, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Daniel DALTON (ECR, UK) on the proposal for a regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online.

The committees recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Purpose and scope

The proposed Regulation shall provide rules on reasonable and proportionate duties of care to be applied by hosting service providers in order to tackle the public dissemination of terrorist content through their services and ensure, where necessary, its swift removal.

It shall apply to hosting service providers offering services in the Union to the public, irrespective of their place of main establishment. It shall not apply to content which is disseminated for educational, artistic, journalistic or research purposes, or for awareness raising purposes against terrorist activity, nor to content which represents an expression of polemic or controversial views in the course of public debate.

The Regulation shall apply without prejudice to the fundamental principles of Union law and national law relating to freedom of expression, freedom of the press and freedom and pluralism of the media.

Terrorist content

The legislation shall cover material that, inter alia: (i) incites to commit an offence by glorifying terrorist acts, (ii) soliciting persons to participate in the activities of a terrorist group, including by providing information or material resources, or by financing its activities in any way; (iii) provides instructions for the manufacture or use of explosives, firearms or other weapons or harmful or dangerous substances to commit a terrorist offence.

Due diligence obligations and removal orders

Hosting service providers shall apply certain duties of care, in order to tackle the dissemination of terrorist content on their services to the public. These duties of care should not amount to a general obligation on hosting service providers to monitor the information which they store, nor to a general obligation to actively seek facts or circumstances indicating illegal activity.

Where hosting service providers obtain knowledge or awareness of terrorist content on their services, they shall inform the competent authorities of such content and remove it expeditiously. They shall remove terrorist content or disable access to it as soon as possible and within one hour from receipt of the removal order.

If the competent authority concerned has not previously issued a removal order to a hosting service provider, it should contact the latter by providing information on the applicable procedures and deadlines at least 12 hours before issuing a removal order.

Members introduced new provisions to clarify the consultation procedure for removal orders and the cooperation procedure for issuing an additional removal order.

Proactive measures

If it establishes that a provider of hosting services has received a substantial number of removal orders, the competent authority may send a request for necessary, proportionate and effective additional specific measures to be implemented by the provider of hosting services.

Transparency obligations

Only hosting service providers which are subject to removal orders for that year should be obliged to publish annual transparency reports containing meaningful information about action taken in relation to the detection, identification and removal of terrorist content. Competent authorities shall also publish annual transparency reports.

The Commission shall set up an online register listing all competent authorities and the designated contact point for each competent authority.

Sanctions

Member States shall lay down the rules on penalties applicable to systematic and persistent breaches of the obligations by hosting service providers under this Regulation.