

Preventing the dissemination of terrorist content online

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.