

Preventing the dissemination of terrorist content online

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.