

## Illegal content on online platforms

The European Commission adopted a recommendation on measures to effectively tackle illegal content online.



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## Recommendation on measures to effectively tackle illegal content online

The Commission is concerned that the removal of illegal content online is not effective enough.

Issues such as incitement to terrorism, illegal hate speech, child sexual abuse material, infringements of Intellectual Property rights and consumer protection need a strong, coordinated EU-wide approach.

The Commission issued a Recommendation on measures to effectively tackle illegal content online. This Recommendation translates the political commitment of an earlier Communication on tackling illegal content online into a non-binding legal form.

Online platforms need to be more responsible in content governance. The recommendation proposes a common approach to quickly and proactively detect, remove and prevent the reappearance of content online.

- **Clearer 'notice and action' procedures:** Online platforms should set out easy and

transparent rules for notifying illegal content, including fast-track procedures for 'trusted flaggers'. Content providers should be informed about such decisions and have the opportunity to contest them in order to avoid unintended removal of legal content.

- **More efficient tools and proactive technologies:** Companies should set out clear notification systems for users. They should have proactive tools to detect and remove illegal content, in particular for terrorism content and for content which does not need contextualisation to be deemed illegal, such as child sexual abuse material or counterfeited goods.
- **Stronger safeguards to ensure fundamental rights:** Companies should put in place effective and appropriate safeguards to ensure that decisions to remove content are accurate and well-founded. This is particularly important when automated tools are used. These safeguards should include human oversight and verification. They should be designed in full respect of fundamental rights, freedom of expression and data protection rules.
- **Special attention to small companies:** The industry should, through voluntary arrangements, cooperate and share experiences, best practices and technological solutions, including tools that allow for automatic detection. This shared responsibility should particularly benefit smaller platforms with more limited resources and expertise.
- **Closer cooperation with authorities:** Companies should promptly inform law enforcement authorities if there is evidence of a serious criminal offence or a suspicion that illegal content is posing a threat to life or safety. Member States are encouraged to establish the appropriate legal obligations.

The Commission considers that online intermediaries can put in place proactive measures without losing the liability exemption under the e-Commerce Directive.

## Background

The Commission services have conducted several workshops and dialogues with industry and launched an ongoing study on the topic. These discussions provided input into for the Recommendation. Several Commissioners met online platforms in 2018 in order to ensure their commitment to tackling illegal content.

The approach is fully aligned and consistent with the Copyright Directive, including widely debated aspects of the liability of online platforms. It is also fully consistent with the revision of the Audio-Visual Media Directive.

The Commission proposed an inception impact assessment for measures to further improve the effectiveness of the fight against illegal content online.

## The Digital Services Act

The Commission has proposed a Digital Services Act (DSA), which includes measures to counter illegal goods, services and content online.

The DSA will empower users to report illegal content online. It will create a privileged channel for trusted flaggers to report illegal content with priority. Trusted flaggers are those who have demonstrated particular expertise and competence.

When enabled by national laws, Member State authorities will be able to order any platform operating in the EU, irrespective of where they are established, to remove illegal content.

Finally, very large online platforms will need to take mitigating measures to protect their users from

illegal content, goods and services.

Recommendation: Measures to tackle illegal content

Communication: Tackling illegal content online

Factsheet: Countering illegal content online

Press Release: Recommendation to tackle illegal content

Code of conduct: Illegal hate speech

Memorandum of understanding: Counterfeit goods

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PRESS RELEASE | 07 June 2021

Security Union: EU rules on removing terrorist content online enter into force

Landmark EU rules on addressing the dissemination of terrorist content online entered into force this week. Platforms will have to remove terrorist content referred by Member States'



authorities within 1 hour. The rules will also help to counter the spread of extremist ideologies online - a vital part of preventing attacks and addressing radicalisation.

PRESS RELEASE | 03 June 2021

Commission seeks views on data sharing

The European Commission has launched an open public consultation on the announced Data Act aiming to create a fair data economy by ensuring access to and use of data. The consultation seeks to gather views from citizens, businesses, online platforms, academics, civil society, administrations and all interested parties. It is open until 3 September.

DIGIBYTE | 26 February 2021

Final reports of the EU Observatory on the online platform economy

The EU Observatory for the Online Platform Economy, which informs the policy work of the Commission, by providing independent views on some of the key questions that have arisen in connection to the platform economy is today publishing the final reports from the expert group following stakeholder feedback and reactions on the progress reports which were published for consultation in July 2020.

PRESS RELEASE | 08 February 2021

Safer Internet Day 2021: A better internet for children and young people

Last Tuesday, 9 February 2021, was Safer Internet Day. Launched in 2004 and promoted by the EU-funded network of Safer Internet Centres in Member States, the day was celebrated online in more than 170 countries worldwide. The theme 'Together for a better internet' is a call for everyone to join in making the internet a safer and better place, especially for children and young people.

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Online Platforms

The European Commission wants online platforms to thrive, and users to be treated fairly and be protected against illegal content.

### **See Also**

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EU Observatory on the Online Platform Economy

The EU Observatory on the Online Platform Economy monitors and analyses the online platform economy, supporting the Commission in policy-making.

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