

## **[Illegal content on online platforms](https://digital-strategy.ec.europa.eu/en/policies/illegal-content-online-platforms)** **[\(https://digital-strategy.ec.europa.eu/en/policies/illegal-content-online-platforms\)](https://digital-strategy.ec.europa.eu/en/policies/illegal-content-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 \(https://digital-strategy.ec.europa.eu/en/policies/copyright\)](https://digital-strategy.ec.europa.eu/en/policies/copyright) and consumer protection need a strong, coordinated EU-wide approach.

The Commission issued a [Recommendation on measures to effectively tackle illegal content online \(https://digital-strategy.ec.europa.eu/en/library/commission-recommendation-measures-effectively-tackle-illegal-content-online\)](https://digital-strategy.ec.europa.eu/en/library/commission-recommendation-measures-effectively-tackle-illegal-content-online). This Recommendation translates the political commitment of an earlier [Communication on tackling illegal content online](#)

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52017DC0555>) 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](https://digital-strategy.ec.europa.eu/en/policies/e-commerce-directive) (<https://digital-strategy.ec.europa.eu/en/policies/e-commerce-directive>).

## Background

The Commission services have conducted several [workshops and dialogues with industry](https://digital-strategy.ec.europa.eu/en/library/evidence-gathering-liability-online-intermediaries) (<https://digital-strategy.ec.europa.eu/en/library/evidence-gathering-liability-online-intermediaries>) and launched an ongoing study on the topic. These discussions provided input into for the Recommendation. Several Commissioners [met online platforms in 2018](https://digital-strategy.ec.europa.eu/en/library/tackling-illegal-content-online-meeting-online-platforms-9-january-2018) (<https://digital-strategy.ec.europa.eu/en/library/tackling-illegal-content-online-meeting-online-platforms-9-january-2018>) in order to ensure their commitment to tackling illegal content.

The approach is fully aligned and consistent with the [Copyright Directive](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1568729454034&uri=CELEX%3A32019L0790) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1568729454034&uri=CELEX%3A32019L0790>), including widely debated aspects of the liability of online platforms. It is also fully consistent with the [revision of the Audio-Visual Media Directive](https://digital-strategy.ec.europa.eu/en/policies/revision-avmsd) (<https://digital-strategy.ec.europa.eu/en/policies/revision-avmsd>).

The Commission proposed an [inception impact assessment](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1183598_en) ([https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1183598\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1183598_en)) for measures to further improve the effectiveness of the fight against illegal content online. The impact assessment

was informed by an [open public consultation \(https://digital-strategy.ec.europa.eu/en/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal\)](https://digital-strategy.ec.europa.eu/en/summary-report-public-consultation-measures-further-improve-effectiveness-fight-against-illegal), which examined options for further measures to tackle illegal content online.

## **The Digital Services Act**

The Commission has proposed a [Digital Services Act \(DSA\) \(https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package\)](https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package), 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](#)

<https://digital-strategy.ec.europa.eu/en/library/commission-recommendation-measures-effectively-tackle-illegal-content-online>

[Communication: Tackling illegal content online](#)

<https://digital-strategy.ec.europa.eu/en/library/communication-tackling-illegal-content-online-towards-enhanced-responsibility-online-platforms>

[Press Release: Recommendation to tackle illegal content](#)

<https://digital-strategy.ec.europa.eu/en/news/europe-protects-commission-reinforces-eu-response-illegal-content-online>

[Code of conduct: Illegal hate speech](#)

[https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-counteracting-illegal-hate-speech-online\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-counteracting-illegal-hate-speech-online_en)  
Memorandum of understanding: Counterfeit goods

[https://ec.europa.eu/growth/industry/policy/intellectual-property/enforcement/memorandum-understanding-sale-counterfeit-goods-internet\\_en](https://ec.europa.eu/growth/industry/policy/intellectual-property/enforcement/memorandum-understanding-sale-counterfeit-goods-internet_en)

## **Latest News**

PRESS RELEASE | 31 May 2023

[EU-US Trade and Technology Council enhances cooperation in emerging technologies, sustainable trade and economic security](https://digital-strategy.ec.europa.eu/en/news/eu-us-trade-and-technology-council-enhances-cooperation-emerging-technologies-sustainable-trade-and-economic-security)

<https://digital-strategy.ec.europa.eu/en/news/eu-us-trade-and-technology-council-enhances-cooperation-emerging-technologies-sustainable-trade-and-economic-security>

This week the European Union and the United States held the fourth ministerial meeting of the EU-US Trade and Technology Council (TTC) in Luleå, Sweden.

PRESS RELEASE | 16 May 2023

[First EU-India Trade and Technology Council focussed on deepening strategic engagement on trade and technology](https://digital-strategy.ec.europa.eu/en/news/first-eu-india-trade-and-technology-council-focussed-deepening-strategic-engagement-trade-and)  
(<https://digital-strategy.ec.europa.eu/en/news/first-eu-india-trade-and-technology-council-focussed-deepening-strategic-engagement-trade-and>)

The European Union and India held their first ministerial meeting of the Trade and Technology Council (TTC) last Tuesday in Brussels.

PRESS RELEASE | 12 May 2023

[Digital Markets Act: Inaugural meeting of High-Level Group](https://digital-strategy.ec.europa.eu/en/news/digital-markets-act-inaugural-meeting-high-level-group)  
(<https://digital-strategy.ec.europa.eu/en/news/digital-markets-act-inaugural-meeting-high-level-group>)

The High-Level Group on the Digital Markets Act (DMA) will meet for the first time today.

PRESS RELEASE | 05 May 2023

[Digital Services Act: Delegated Regulation on independent audits now available for public feedback](https://digital-strategy.ec.europa.eu/en/news/digital-services-act-delegated-regulation-independent-audits-now-available-public-feedback)  
(<https://digital-strategy.ec.europa.eu/en/news/digital-services-act-delegated-regulation-independent-audits-now-available-public-feedback>)

Today, the Commission has launched a consultation on draft rules on how independent audits should be conducted under the Digital Services Act (DSA) for Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs).

[Browse Online platforms and e-commerce](#)

<https://digital-strategy.ec.europa.eu/en/related-content?topic=150>

## **Related Content**

### **Big Picture**

<https://digital-strategy.ec.europa.eu/en/policies/online-platforms>

[Online Platforms](https://digital-strategy.ec.europa.eu/en/policies/online-platforms) (<https://digital-strategy.ec.europa.eu/en/policies/online-platforms>)

The European Commission aims to foster an environment where online platforms thrive, treat users fairly and take action to limit the spread of illegal content.

## See Also

[Geoblocking \(https://digital-strategy.ec.europa.eu/en/policies/geoblocking\)](https://digital-strategy.ec.europa.eu/en/policies/geoblocking)

The Commission put an end to unjustified geo-blocking rules, which undermine online shopping and cross-border sales in the EU.

(https://digital-strategy.ec.europa.eu/en/policies/geoblocking)

[Platform-to-business trading practices](#)

(https://digital-strategy.ec.europa.eu/en/policies/platform-business-trading-practices)

The European Commission promotes fairness and transparency for businesses on online platforms.

(https://digital-strategy.ec.europa.eu/en/policies/platform-business-trading-practices)

[EU Observatory on the Online Platform Economy](#)

(https://digital-strategy.ec.europa.eu/en/policies/eu-observatory-online-platform-economy)

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

(https://digital-strategy.ec.europa.eu/en/policies/eu-observatory-online-platform-economy)

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