European Commission

#DSM

Digital Single Market

A EUROPE THAT PROTECTS: COUNTERING ILLEGAL CONTENT ONLINE

The Juncker Commission made security a top priority from day one. It is the most basic and universal of rights to feel safe in your own home or when walking down the street. Europeans rightly expect their Union to provide that security for them – online and offline. The Commission has taken **a number of actions to protect Europeans online** – be it from terrorist content, illegal hate speech or fake news. We are working closely with the internet companies, Member States and EU Agencies through various initiatives and we are continuously looking into ways we can improve our fight against illegal content online.

As a follow-up of its Communication of September 2017 on tackling illegal content online, the Commission recommended on 1 March 2018 a set of operational measures – accompanied by the necessary safeguards – to be taken by online platforms and Member States to further step up this work before it determines whether it will be necessary to propose legislation.

Illegal content means any information which **is not in compliance with Union law or the law of a Member State**, such as content inciting people to terrorism, racist or xenophobic, illegal hate speech, child sexual exploitation, illegal commercial practices, breaches of intellectual property rights and product safety. **What is illegal offline is also illegal online.**

Over the past years, the Commission has encouraged internet companies to step up their actions to **prevent, detect and remove illegal content** from the web via several initiatives. This aim is to tackle in particular:

- TERRORIST CONTENT
- XENOPHOBIC OR RACIST ILLEGAL HATE SPEECH
- CHILD SEXUAL ABUSE
- BREACHES OF INTELLECTUAL PROPERTY RIGHTS
- UNSAFE PRODUCTS

ELIMINATING TERRORIST CONTENT ONLINE

LEGISLATIVE ACTION

With the rapid dissemination of terrorist content online, the Commission has driven actions to counter radicalisation online and ensure that terrorist content is detected and removed as quickly as possible. We have reinforced **EU legislation on combatting terrorism** which now criminalises and heavily sanctions any incitement, promotion or glorification of terrorism online.

EU INTERNET FORUM

The **EU Internet Forum** was launched in 2015 to stop the misuse of the internet by international terrorist groups, such as Daesh. The Forum provides a framework for efficient and voluntary cooperation with the internet industry to remove online terrorist content.

The Forum brings together governments, EU Agencies, academics, and internet companies such as: Google/YouTube, Facebook, Microsoft, Twitter, Justpaste.it, Snap, Wordpress and Yellow.

RESULTS:

The **EU Internet Referral Unit (IRU)** at Europol, established in the context of the EU Internet Forum in 2015, works to anticipate and pre-empt terrorist abuse of online platforms. The Unit scans the web, identifies and flags terrorist content to the hosting companies, and provides operational support and analysis to EU Member States.

Since 2015, the EU Internet Referral Unit has made over 40,000 content referrals to 80 platforms in more than 10 languages.

Launched in 2016, the "Database of Hashes" contains well over 50,000 hashes of known terrorist videos and images.

As of December 2017, automatic detection tools on some platforms remove 83% to 98% of identified terrorist content.

EU INTERNET FORUM CIVIL SOCIETY EMPOWERMENT PROGRAMME

Removing terrorist content online is only one side of the story. The Commission is also supporting civil society partners in delivering effective counter-narratives online. Under the **Civil Society Empowerment Programme**, €6 million has been made available to support campaigns providing alternative narratives to terrorist propaganda and promoting fundamental rights and values.

RESULTS:

In 2017, the EU Civil Society Empowerment Programme has trained more than 250 civil society organisations across Europe.

ACTION TO COUNTER ILLEGAL ONLINE RACIST AND XENOPHOBIC HATE SPEECH

NO HATE SPEECH!

LEGISLATIVE ACTION

The Framework Decision on Combatting Racism and Xenophobia by means of criminal law requires Member States to criminalise the public incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. This is the legal basis for defining illegal online content.

CODE OF CONDUCT

Since May 2016, Facebook, Twitter, YouTube and Microsoft have committed to combatting the spread of illegal online hate speech in Europe through a Code of Conduct. The companies have committed to reviewing the majority of request to remove content in less than 24 hours and to removing the content if necessary. When they receive a request to remove content from their platform, the IT companies assess the request against their rules and community guidelines and, where applicable, national laws on combating racism and xenophobia transposing EU law on combatting racism and xenophobia. Google+ and Instagram have joined the Code of Conduct in January 2018. The Commission regularly monitors the implementation of the Code of Conduct.

RESULTS:

Under the Code of Conduct on Countering Illegal Hate Speech Online, internet companies now remove on average 70% of illegal hate speech notified to them and in more than 80% of these cases, the removals took place within 24 hours.

FIGHTING CHILD SEXUAL ABUSE ONLINE

LEGISLATIVE ACTION

Sexual abuse of children, offline or online, is one the cruellest of crimes. In 2011, the Commission introduced new strict rules to criminalise such abuse across Europe, ensure more severe penalties for offenders, prevent such offenses and protect child victims. The Directive on combating the sexual abuse and sexual exploitation of children and child pornography includes special measures to fight child sexual abuse on the web. Anyone who accesses child sexual abuse material will face prison.

Young Europeans will also be better protected from harmful content, including pornography and violence, under the new Audiovisual Media Services Directive currently under negotiation. Age verification and parental control mechanism will more effectively deny children access to this content.

GLOBAL OUTREACH AND GRASSROOTS ACTION

The Commission is working closely with the civil society to ensure better protection of victims and to stop sexual abuse online in the first place. A range of EU-funded awareness raising campaigns, such as the pan-European network of Safer Internet Centres, focus on empowering children, their parents and educators. The EU is also uniting efforts at the global level. In 2012, the EU together with the US launched a Global Alliance against Child Sexual Abuse Online – a platform with an unprecedented global reach.

RESULTS:

WEePROTECT Global Alliance to end child sexual abuse online, born out of the EU-US initiative of 2012, brings together 82 countries, 20 of the biggest technology companies, and 24 leading international and civil society organisations.

PROTECTING EUROPE'S KNOW-HOW AND INNOVATION LEADERSHIP

The Commission initiatives from November 2017 will make it easier to act efficiently against breaches of intellectual property rights, facilitate cross-border litigation, and tackle the fact that 5% of goods imported into the EU (worth €85 billion) are counterfeited or pirated. Building on the positive experiences under the Memorandum of Understanding on the sale of counterfeit goods via the internet, the Commission continues to support industry-led initiatives to combat IP infringements, including voluntary agreements on advertising on websites, on payment services and on transport and shipping. Such agreements can lead to faster action against counterfeiting and piracy than court actions. When it comes to Standard Essential Patents (SEPs), the Commission encourages fair and balanced licensing negotiations which ensure that companies are rewarded for their innovation while allowing also others to build on this technology to generate new innovative products and services.

REMOVING UNSAFE PRODUCTS SOLD ONLINE

Consumer products placed on the EU market must be safe, regardless of whether they are sold online or offline. E-commerce marketplaces are well placed to play an important role in product safety, due to the significant amount of products sold through their websites. The Commission is currently cooperating with some online platforms to improve the safety of consumer products sold online. Some platforms have already provided specific single contact point for authorities to notify unsafe products and further voluntary commitment is expected from them to improve product safety going beyond their legal obligations.

TACKLING DISINFORMATION ONLINE

Fake news and disinformation online are **not per se illegal** content and thus are not covered by existing EU or national legislative and self-regulatory actions. Disinformation as a phenomenon has always existed. But, due to a potential wide spreading on social media online, it has become an increasing problem for the functioning of our democracies. The European Union has already been active against fake news through the **East Stratcom Task Force**, under High Representative/Vice-President Mogherini's responsibility, which has been set up following the European Council in March 2015, for countering disinformation in the EU's Eastern Neighbourhood.

More recently, the Commission has launched a **public consultation** and set up a **High-Level Expert Group** to feed into initiatives against fake news online to be presented in spring 2018.

TIMELINE – WHAT HAS THE COMMISSION DONE TO COUNTER ILLEGAL CONTENT ONLINE?

April 2015

Commission presents the **European Agenda on Security**, setting out the main actions to ensure an effective EU response to terrorism and security threats, including countering radicalisation, boosting cybersecurity, cutting terrorist financing, improving information exchange and announcing the establishment of the EU Internet Forum.

December 2015

Commission launches **EU Internet Forum**, bringing together EU Home Affairs Ministers, the internet industry and other stakeholders to work together in a voluntary partnership to address this complex issue and to protect EU citizens. The EU Internet Referral Unit is established at Europol.

May 2016

Commission and four major social media platforms (Facebook, Twitter, YouTube and Microsoft) announce a **Code of Conduct** on countering illegal online hate speech.

December 2016

At the **EU Internet Forum**, internet companies announce the creation of a **shared 'Database of Hashes'** to better detect potential terrorist content on social media and prevent its reappearance on other platforms. Major platforms are increasingly developing automated tools for detection and removal of terrorist content online.

July 2017

The members of the **EU Internet Forum** agree to an **Action Plan** to redouble efforts to combat terrorist content online, including faster removal of content.

September 2017

Commission presents **guidelines** and principles for **online platforms** to increase the proactive prevention, detection and removal of illegal content inciting hatred, violence and terrorism online.

October 2017

Commission adopts its **Work Programme for 2018** committing to continue to promote cooperation with social media companies to detect and remove terrorist and other illegal content online.

November 2017

Commission presents measures to ensure that **intellectual property rights are well protected**, thereby encouraging European companies, in particular SMEs and start-ups, to invest in innovation and creativity.

December 2017

The EU Internet Forum takes stock of the progress made on curbing terrorist content online and recommends additional steps to be taken in this area, including better reporting and further outreach to new and small companies.

January 2018

Google+ and Instagram join the **Code of Conduct** on countering illegal online hate speech.

On 9 January, five Commissioners meet in Brussels with representatives of online platforms to discuss progress made in tackling the spread of illegal content online, including online terrorist content and illegal hate speech as well as breaches of intellectual property rights.

February 2018

The joint action by EU consumer authorities and the European Commission results in the creation of a **new "notice and action" procedure**, by Facebook, Twitter and Google+. It will be dedicated to national consumer authorities when they report illegal content, or terms of service deemed as unfair.

March 2018

Commission proposes a **Recommendation** with a set of operational measures to remove **illegal content online** more swiftly and effectively. In particular, **terrorist content** should be removed within one hour following a referral by Europol's IRU or other competent authorities.

Next steps

Commission will monitor the actions taken in response to this Recommendation and determine whether additional steps, including, if necessary legislation, are required.

A public consultation will be launched on this matter in the coming weeks.

In order to allow for the monitoring of the effects of the Recommendation, Member States and companies will be required to submit relevant information on terrorist content within three months, and other illegal content within six months.