

Meeting with online platforms' CEOs – Follow-up to the Communication on Tackling
Illegal Content Online

Scene setter

- Up to five members of the European Commission have convened to meet a group of online platforms to discuss the follow-up of the Communication on Tackling Illegal Content Online.
- Your introductory intervention will follow the high-level policy lines set by VP Ansip. Commissioners Avramopoulos, King and Jourova will intervene briefly after you with short discussions on the EU Internet Forum and on the Code of Conduct on illegal hate speech. Commissioner Bienkowska might join.
- You will also deliver the concluding remarks for the meeting.
- Up to 36 online platforms (see list and description in background) have been invited to this meeting. The list aims at the necessary balance between small and big platforms, different business sectors and different geographic backgrounds (European, American, Asian).
- The meeting takes place in a moment where the European Commission is discussing the necessary follow-up to the mentioned Communication. The level of engagement of the online platforms during the meeting and their engagement for the future will be important to determine whether additional measures are necessary. It will be crucial to get the platforms to commit to work together.
- Some of these platforms have already entered into dialogues with the Commission services in relevant areas, but some others (in particular small platforms) might be less familiar with the EU regulatory system and the ongoing dialogues.
- The invited platforms have received a background document and an annotated agenda to prepare the meeting and frame the discussions (attached).
- (To be updated later: list of platforms that have confirmed participation and the level of representation).

Meeting objectives:

- I. Inform the online platforms about EU's policy on tackling illegal content;
- II. Gather input from online platforms on their actions and achievement to address the spread of illegal content online;
- III. Get a commitment from platforms to achieving European policy objectives, not least through further collaboration across industry and with the Commission. One important point in this sense is committing to transparency and reporting on common indicators.

Speaking points

Courte introduction suivant VP AA, qui donnera les lignes politiques générales pour l'approche européenne

- Je tiens également à vous remercier pour votre participation aujourd'hui, ainsi qu'au Vice-Président Ansip pour son introduction.
- Il est certainement important de travailler ensemble et c'est justement pour renforcer cette coopération que nous avons lancé cette invitation aujourd'hui.
- Nous souhaitons discuter avec vous les principes et les mesures que nous avons proposés dans la Communications publiée par la Commission en septembre l'année dernière. Nous y avons identifié une série de bonnes pratiques autant pour un dépistage et une suppression efficace des contenus illicites en ligne, que pour la protection des droits des citoyens et une gouvernance transparente des contenus en ligne. **Nous souhaitons entendre aujourd'hui vos réactions, ainsi que votre engagement envers cet agenda et envers d'autres mesures que vos organisations sont en train d'entreprendre.**
- La Commission s'est engagée à évaluer le progrès et à faire un bilan sur le besoin d'intervention publique plus pointue d'ici Avril 2018. Bien que nous ayons lancé nos chantiers de travail pour cette évaluation, nous comptons en grande mesure sur la transparence et la collaboration de vos organisations. Pour comprendre l'efficacité globale des efforts mis en place, nous avons tous besoin d'un système de mesure comparable et d'indicateurs communs. **Nous comptons sur vous pour convenir sur des indicateurs communs, ainsi que sur vos efforts concertés et vos engagements**

de partager en toute transparence et avec régularité l'évolution des indicateurs.

- Nous sommes face à une urgence de l'intervention de la part de tous les acteurs responsables. Certainement, sur des sujets comme le combat du terrorisme, l'action accélérée est d'une importance majeure et nous nous concentrons avec priorité là-dessous.
- Certains d'entre vous êtes déjà impliqués dans les dialogues ciblés sur le combat du terrorisme, ou bien de l'abus des mineurs ou des discours haineux. Nous apprécions vos engagements et **souhaitons élargir cette coopération durable, également pour soutenir un front commun** qui n'ignore pas les défis auxquels les petites entreprises sont confrontées, comme souligné par M. le Vice-Président. Les efforts collectifs seraient certainement plus efficaces que la somme des parties.
- Nous sommes prêts à nous servir de tous les instruments politiques à notre disposition. Ceci ne veut pas dire uniquement de règlements, mais aussi des mesures de soutien et une intensification des dialogues concertés avec l'industrie, les autorités publiques et la société civile. Nous voulons débattre avec vous là-dessus et cerner les leviers dont nous pouvons nous servir ensemble.

Conclusions de la séance

[ce texte préliminaire devra être adapté dès qu'on a plus d'information sur les plateformes représentées et les messages qu'elle souhaitent ramener, au moins concernant les créneaux figés dans l'agenda]

- En guise de conclusion, je tiens à vous remercier pour le débat riche d'aujourd'hui. Ce n'est que le début d'un engagement durable et nous comptons sur votre responsabilité assumée.

- Le combat des contenus illicites est un engagement envers la société et c'est une responsabilité partagée. C'est aussi, nous le reconnaissons bien, un défi auquel vous êtes confrontés aussi afin de préserver la réputation de vos plateformes.
- Nous comptons également sur vos engagements d'agir avec détermination et de coopération entre les plateformes ainsi qu'avec les acteurs publics et la société civile.
- [Nous sommes tous face à un défi sans précédent, et nous apprécions les démarches entreprises par vous afin de pousser la compréhension globale des comportements en ligne qui mènent à la propagation des contenus illicites. Le soutien de la recherche dans ce domaine est extrêmement important et ce n'est que sur base des données dont vous disposez que ceci peut avancer.]
- [J'entends aussi la difficulté de mettre en place un processus unique pour tout type de contenus illicites et le besoin d'intensifier les efforts communs dans le cadre des dialogues spécifiques.]
- [C'est également l'approche sectorielle que nous prenons dans l'analyse de l'intervention publique et nous n'excluons pas le besoin d'agir avec des actions ciblées sur des questions urgentes comme la lutte contre le terrorisme.]
- [Nos services vont faire un bilan des dialogues en cours, ainsi que des résultats globaux. Nous comptons sur votre engagement envers la transparence et des rapports réguliers sur des indicateurs communs. Une discussion au niveau technique va suivre afin d'opérationnaliser cet engagement.]

Line to take

- The Commission published guidance on how to tackle illegal content online on 28 September 2017. The Commission follows an important objective: to establish the main political orientations for content management in Europe, in contraposition to the US "hands-off" approach and censorship-like systems in authoritarian countries. This is part of the measures announced by President Juncker in his state of the Union speech **to ensure the swift and proactive detection and removal of illegal content inciting hatred, violence and terrorism**
- The EU should look for a third way which:
 - ensures swift and effective removal, by outlining clear responsibilities by online platforms
 - and ensures sufficient legal safeguards and transparency to avoid that legal content is taken down and to increase the accountability of all actors involved.
- The existing liability exemption remains a keystone to ensure freedom of expression online and as such is maintained.
- The Commission will announce in due time whether legislative action is needed in the field. The Commission is concerned by the potential risk of legal fragmentation produced by diverging national initiatives.

Background notes

Presentation of the Communication on tackling illegal content

- The Communication outlines clear responsibilities by online platforms:
 - establish an easily accessible and user-friendly notification mechanism
 - cooperate with law enforcement and other competent authorities, including by sharing evidence.
 - allow trusted flaggers to have a privileged relationship, while ensuring sufficient standards as regards training, quality assurance or safeguards.
 - use voluntary, proactive measures to detect and identify illegal content and step up cooperation and the use of automatic detection technologies.
 - take measures against repeat infringers.
- But the Communication also ensures that a high level of protection of fundamental rights, such as freedom of expression, is ensured:
 - Users need more transparency on the platforms' content policy and on the outcome of the application of the notice-and-action mechanism.
 - Counter-notices are necessary as important safeguards against excessive or erroneous removal.
 - This is even more important when legal content is taken down by the platform unilaterally, or in the cases of false positives due to algorithmic decisions.
 - The existing liability exemption remains a keystone to ensure freedom of expression online and as such is maintained.

Sector dialogues with online platforms on countering specific categories of illegal content online

- The Commission has already initiated several dialogues with different online platforms, which cooperate proactively in the common goal of countering illegal content online. These efforts have already given encouraging results, but need to continue.

EU Internet Forum: (DG JUST)

- The EU Internet Forum was launched in December 2015 to reduce accessibility to terrorist content online and to empower civil society partners to increase the volume of effective alternative narratives online. On 6th December 2017 companies reported progress: the consortium of companies connected to the Database of Hashes, announced one year ago, has tripled in size (from 4 to 12, with other few in ongoing negotiations to join); the database contains over 40.000 hashes of known terrorist images and videos and companies have committed to include a repository of Europol's 5000 videos. There is a clear commitment from companies on automated detection of terrorist propaganda, with increasing success rates in the identification of terrorist content. Some have removed 99% of identified terrorist content by using their own tools. The EU Internet Forum has furthermore reached out and engaged with over 20 companies.
- The EU Internet Referral Unit at Europol continues to flag content. Over 40,000 decisions for referral across over 80 platforms in more than 10 languages have been triggered. On average, the content flagged for referrals has been removed in 86% of the cases.
- Whilst these signs are indeed encouraging, there is still a need for more detailed, transparent reporting. Europol and the Commission are putting in place a detailed reporting mechanisms.
- The EU Internet Forum checks the extent to which companies are deploying automated detection; the number of referrals sent by Europol is not necessarily and indicator of the cooperation from the companies but more on the level of activity of various Europol Internet Referral Units.
- The Internet Forum at Ministerial level met on 6th December 2017 providing an update on progress under the EUIF Action Plan while also identifying areas for further work. On the Database of Hashes, the Forum is likely to push for increased reporting on the Database of Hashes, including its impact, and how the companies will seek to maximise the tool in 2018. Greater clarity on automated removals by the industry will also be sought. Feedback on referrals by the EU IRU and Member States' own referral units will also be requested.

Memorandum of Understanding on Counterfeit products: (DG GROW?)

- The Commission facilitates stakeholder dialogues that promote collaborative approaches and voluntary, practical solutions to better enforce intellectual property rights in an evolving technological and commercial environment. In this context, the Commission facilitated the conclusion of a Memorandum of Understanding (MoU) on the online sale of counterfeit goods which brought

together internet platforms, brand owners and trade associations. In November 2017, the Commission published an overview of the functioning of the MoU. The results are based on data obtained in relation to the key performance indicators set out in the MoU and feedback gathered from the MoU signatories.

- The results of the work under the MoU are positive. They show that the MoU has effectively contributed to removing counterfeit products from online marketplaces and that it is a useful forum which allows trust and cooperation between parties to be strengthened.

INHOPE Network

- In 2016, the INHOPE network received more than 9.3 million reports of which over 200,000 contained child sexual abuse material (CSAM). The trends observed in the 2016 statistics confirm trends from previous years with pre-pubescent children and girls being the most vulnerable groups identified in these images. The main hosting country is the US, followed by the Netherlands, Canada, France, Russia and Germany. Of the 38,767 total reports confirmed as CSAM and inserted into the ICCAM system*, 74% were removed within 3 working days.

Code of conduct on Illegal hate speech

- In May 2016 the European Commission together with Facebook, Microsoft, Twitter and YouTube announced a Code of Conduct on countering illegal online hate speech. It includes a series of voluntary commitments to combat the spread of such content in Europe. Results of the evaluation of the Code of Conduct are encouraging in terms of the response to notifications on hate speech online deemed illegal under EU law. It has also allowed developing partnership between these companies, national authorities and civil society organisations (including broadening the "trusted flagger" system).
- The next important step is to promote the uptake of the commitments in the Code of Conduct by a wider group of IT platforms in the shared endeavour to share a collective responsibility and pride in promoting and facilitating freedom of expression throughout the online world. This action is complementary to the core objective of ensuring that authors of illegal hate speech offences - whether online or offline - are effectively prosecuted. The Commission works closely with Member State authorities and civil society on assessing practical obstacles to law enforcements' access to information held by IT Intermediaries needed to investigate offences committed online.
- The Code of Conduct is basing its work in a series of qualitative and quantitative indicators:
 - Time of assessment of notifications from reception by platform (-24h/-48h/-1w/+1w/no assessment)
 - Removal rate (how many notices lead to removal)
 - Coherence of treatment of notifications irrespective of the reporting channels: percentage of notices removed by the platform/time of assessment, broken down by the origin of the notice (trusted flaggers or normal user)
 - Grounds of hatred of the notified content

- Number of national contact points for law enforcement and other competent authorities
 - Number of national contact points by IT Platform to cooperate with national authorities
 - Number (and increase over time) of trusted flagger partners by IT Company
 - Performance of automatic detection system (e.g. Average n. of analysed cases deriving from automatic detection compared to n. of cases resulting from notices)
 - Qualitative analysis of the quality of feedback (reference to terms of services / law)
 - Percentage of notices followed-up with feedback to users (broken down by feedback to all users or feedback to trusted flagger)
 - Qualitative analysis of the quality of feedback (reference to terms of services / law)
 - Regular qualitative analysis of transparency reports and progress by IT Companies in particular re. publication of data on 1) number of notices received per source (law enforcement/trusted flaggers/normal users); 2) break down of notices per type of illegal content and including hate speech; 3) information on outcomes of notices and counter notices.
- The evaluation on the Code of conduct is a continuous process and most indicators are monitored on a regular basis (until now every six months). The results of a first evaluation were published in December 2016, the second in June 2017. The third monitoring exercise is taking place now and preliminary results are expected mid-January 2018.

EU Wildlife trade enforcement group (DG ENV)

It aims at:

- Awareness of online platforms on wildlife trafficking
- Transparency on their current practices (for ex. number of adds removed from the websites),
- Adoption of voluntary measures (for instance, e-Bay has decided to stop selling ivory on its platforms)
- Exchange information with enforcement agencies
- Application of the trusted flaggers policy in the wildlife trade area (for example through the recognition of some specialised NGOs as trusted flaggers in this field).

Dialogue on illegal products (products which endanger the health of consumers or fraudulent products which mislead consumers) with eBay, Amazon, Alibaba and Facebook (DG SANTE)

- It asks for the establishment of contact points for Member States' law enforcement authorities and propose "self-monitoring" based on a list of keywords.
- As quantitative indicators, the following are proposed (but not yet collected):
 - number of products removed and number of products promoted to upload
 - time between notification and removal of the offer.

EU Product Compliance Network on harmonised non-food products (DG GROW)

- The preparatory work will start in 2018 including coordinated e-commerce actions. Like for food products the main interest will be to improve the self-monitoring by platforms and proactive measures they can take to prevent illicit product to be sold online.

Contact(s): [REDACTED] (DG CONNECT), [REDACTED] Personal data

Annexes:

- Annex I: List and description of invited online platforms
- Annex II: Background document sent to invited online platforms
- Annex III: detailed agenda sent to invited online platforms
- Annex IV: CVs of participants representing online platforms (to be prepared once we have the list of final confirmed participants)