MEETING WITH TikTok

Scene setter

- The phone meeting is with [redacted] is a video sharing app created by the Chinese company ByteDance. It has reached over 2 billion downloads, and it is very popular among young people.
- [Redacted] will be joined.
- The **objective of the call is to discuss the intention by TikTok to join the EU Code of conduct on countering hate speech online.** The official announcement is due for the day following the call, 8th September 2020.
- TikTok has recently agreed also to join the Code of Practice on disinformation.
- [Redacted] may take the opportunity to inform about the company’s approach to tackling hate speech and illegal content on the platform and to ask about the Commission’s plans in this area.

Lines to take

- The fight against racism and xenophobia and its manifestations of hate speech is a key priority for this Commission. Hate speech is illegal according to EU law [the 2008 Framework Decision on combating racism and xenophobia] and what is illegal off line should have no place online.
• I commend TikTok’s engagement in tackling hate speech online and appreciate that the company takes its share of responsibility in this common endeavour.

• The voluntary Code of conduct that we started in 2016 is built on two pillars: 1) effective systems to quickly review hate speech notices by users, and remove content when necessary; 2) mechanisms of cooperation between IT Companies and civil society organisations to foster partnerships including in areas such as awareness raising and education.

• Over time, the Code has achieved fast progress on removing online hate speech.

• The Code has also created spaces of cooperation and dialogue between IT Companies and civil society
fostering in particular trusted flagger programmes and joint awareness raising campaigns against hate speech online.

- Finally and as a consequence of these good results, the Code has shown a significant capacity to attract new businesses: since 2016 several IT Companies have joined [Instagram, Snapchat, Dailymotion and jeuxvideo.com] and the call today is a further proof of it.

[You may consider passing the floor to TikTok to express their intention to join the Code]

- I am very pleased to hear about TikTok’s commitment to join the Code of conduct for one particular reason: the platform is very popular [it reached 2 billion downloads worldwide], in particular among younger generations.

- TikTok engagement against hate speech may make a difference and enhance the protection of these young users, who are particularly vulnerable if exposed to hateful content.
• The Commission is also working on the Digital Service Act, a framework concerning platforms’ responsibility on tackling illegal content such as illegal hate speech. The Code of Conduct will inspire this framework as some of its commitments may be reflected in this framework and, at the same time, it will complete it.

• We look forward to our future cooperation. My services are fully available to support Tik ToK during this period of adaptation to the working methods and the commitments in the Code.
DEFENSIVES

What are the implications of the participation to the Code of conduct in light of the upcoming Digital Services Act?

- The results obtained in the context of the implementation of the Code of Conduct will feed into the ongoing reflections on how to strengthen measures to address illegal content online in the future Digital Services Act Package, on which the Commission recently launched a public consultation.
- While still at an early stage, possible options could include obligations to put in place notice and action systems as well as reporting and transparency obligations that would require platforms to provide information on how they deal with illegal hate speech on their platforms. These are key aspects already part of the commitments set in the Code of conduct.

Would TikTok be tested immediately as part of the next monitoring round? When is the next monitoring exercise expected?

- The Commission runs regular monitoring exercises approximately on a yearly basis.
- Following the same practice adopted for other newcomers, TikTok will be given time to adapt, in particular with a view to enable the creation of a wide network of trusted flaggers, in cooperation with NGOs.
BACKGROUND
The 2016 Code of conduct on countering illegal hate speech online is constructed upon two pillars

- Effective notice-and-action: when a notice about alleged illegal hate speech is received, IT Companies should review them within 24h and remove when necessary
- Mechanisms of cooperation between the IT Companies, national authorities, civil society organisations to address the societal challenges of hate speech and to support effective law enforcement

On notice and action, fast progress has been achieved: in 2016, only 28% of content was removed and now it is at over 70%; and 90% of the notices are reviewed within 24h versus 40% when the Code was signed. Regarding the removal rates, some differences among the platforms persist (Twitter scores lower than both Facebook and YouTube for example). In relation to the cooperation with civil society organisations, the IT Companies since 2016 have built larger networks of “trusted flagger” NGOs and have engaged with them also on counter narrative and awareness raising campaigns.

The E-Commerce Directive from 2000 is widely regarded as one of the central pieces of Internet Regulation in the EU. It regulates Treaty Freedoms such as the freedom to provide (digital) services in the Internal Market, as well as the freedom of establishment for providers of these services. It also regulates the liability that intermediaries such as ISPs, Cloud service providers, or online platforms have for third party content, which they transmit or host. The established framework guaranteed a balanced framework helping both innovators while also protecting fundamental rights online.

The President announcement in her political guidelines on the Digital Service Act signals the intention to update this framework, in order to account for the changed landscape of digital services. Today’s services are dramatically different from 2000 (e.g. social networks, collaborative economy services, online advertising), they reach much more deeply into the society than in 2000; and the internal market is re-fragmenting especially for platforms, e.g. with new online hate speech laws in DE and FR.
CV OF INTERLOCUTOR

If necessary/relevant.