MINI BRIEFING NOTE

Scene setter/Context of the meeting/ Objective of the meeting:

Facebook, requested a meeting to discuss the state of play concerning three legal acts: the draft German Network Enforcement Act, "Act improving law enforcement on social networks", under the Single Market Transparency Directive (EU) No 2015/1535.

The briefing focuses on the status of the notification procedure of the first legal act, the draft Law aiming at ensuring that criminal content (such as hate speech, defamation or fake news) published on digital social networks (such as YouTube, Facebook or Twitter) is promptly removed by social network operators. The draft Law was notified on 23 March 2017 and the EC has until 28 June 2017 to express its views on the compatibility or not of the notified draft with EU law, including with the e-Commerce Directive.

This meeting gives us the opportunity to inform Facebook on the status of the notification procedure and to gather information on their position concerning the topics on the agenda.

KEY messages

- The Commission is aware of the complex balance that has to be stricken between individual rights, effective law enforcement and the need to guarantee the free provision of services when defining measures to avoid the proliferation of criminal offences committed via social networks.

- The Commission is currently assessing the draft Act notified by Germany, as the deadline for reaction expires on 28 June 2017.
Questions to the interlocutor?

- How does Facebook see the draft German Network Enforcement Act falling in the scope of the E-commerce and the enforcement of intellectual property rights Directives?

**Defensives / Q&A**

*For each item on the Agenda*
Within the framework of the notification procedure laid down by Directive (EU) 2015/1535, the German authorities notified to the Commission on 27 March 2017 a draft "Act improving law enforcement on social networks". The draft Law aims at ensuring that criminal content (such as hate speech, defamation or fake news) published on digital social networks is promptly removed by large influential digital social networks operators (such as YouTube, Facebook or Twitter), within 24h from receiving a complaint. Social networks shall file quarterly reports on how they dealt with complaints regarding potentially criminal content and may be imposed a fine of up to EUR 5 million in case of non-complying with these obligations. The draft Law thus puts high burden on internet service operators, including on Facebook.