



Background paper

Tackling Illegal Content Online: Meeting with Online Platforms

9th January 2018 - Brussels

*Meeting held under the **Chatham House Rules***

With terrorist material increasingly available online and with illegal hate speech not only affecting its victim but also undermining freedom of information and expression online, governments at EU¹ and G7/G20 level have consistently underlined the imperative to tackle the spread of illegal content. In particular, they have called on the Internet industry to step up their efforts in combatting illegal content online, in particular by developing new technology tools to improve the automatic detection and removal of content.

The fight against illegal content spreading online is now entering into a new phase

Last September, the European Commission published the Communication “Tackling illegal content online – towards an enhanced responsibility of online platforms” ([COM\(2017\) 555 final](#)). Non-binding in nature, the Communication sets the policy goals and called on online platforms to cooperate pro-actively in the fight against illegal content online.

While online platforms play a key role in innovation and growth in the digital economy, they also carry a significant societal responsibility in terms of protecting users and society at large – and in particular in preventing criminals, terrorists and other persons involved in infringing activities online from exploiting their services. The Communication made clear that **the Commission expected online platforms to take swift action over the coming months, including in the context of ongoing dialogues.**

With this meeting, the European Commission seeks to engage with online platforms constructively. The level of engagement, as well as the facts and responses gathered during the meeting from online platforms will be significant for the Commission's assessment on whether additional measures are needed. This assessment will be based on evidence of **concrete results achieved**: the Communication was a signal **that decisive steps were needed and that the Commission was ready to act if required** to ensure the swift and proactive detection and removal of illegal content online.

¹ European Council of 22-23 June and 19 October 2017



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More concretely, the European Commission called on online platforms to **step up their efforts** in tackling illegal content, in particular by:

- establishing an easily accessible and user-friendly notification mechanism;
- cooperating with law enforcement and other competent authorities, including by sharing evidence;
- appointing effective points of contact in the EU and where appropriate define effective digital interfaces;
- allowing trusted flaggers to have a privileged relationship, while ensuring sufficient standards as regards training, quality assurance or safeguards;
- using proactive measures to detect, identify and swiftly remove within the shortest possible timeframes illegal content including where appropriate through the use of automatic detection technologies;
- taking measures against repeat infringers and preventing the re-appearance of illegal content , in particular through the use of automated tools;
- This general set of principles is complemented by more detailed and targeted objectives in the context of sectorial dialogues (presented below).

At the same time, the Commission fully endorses the need to keep the Internet an open space for the **exercise of freedom of expression and information**. The Communication recalled the Commission's commitment to maintaining a balanced and predictable liability regime for online platforms. It also provided guidance on a number of important safeguards:

- Providing transparency on content policy and on the outcome of the application of the notice-and-action mechanism;
- Offering simple online counter-notices procedures against excessive or erroneous removal.

Progress on collaborative efforts

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 translate into further concrete progress.



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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 some companies on automated detection of terrorist propaganda, with increasing success rates in the identification of terrorist content. Three of them have reported removing 83 to 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.

On the basis of these results, the 6th December meeting identified the need for a more detailed, transparent and consistent reporting. Europol and the Commission are currently working on a detailed reporting mechanism. Companies have also been called to use the database of hashes to its full potential. The need for further progress has also been identified in relation to the speed of removal, to the reporting of identified content to law enforcement and to the engagement of and cooperation with additional platforms, in particular small and medium sized ones. Progress will be discussed at the next Senior Official meeting of the EU Internet Forum to be held in the first week of February 2018.

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.

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.



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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

Other dialogues are related to child sexual abuse material (INHOPE network), safety of products sold online, the Internet sale of food chain products, illegal commercial practices, collaborative short-term rental accommodation services or wildlife trafficking.

Purpose of the meeting

This meeting gathers a wide spectrum of internet platforms. The Commission acknowledges the existing differences in terms of size, origin, or business sector. All the views represented in this sample of platforms are vital to better understand the possibilities and challenges of further cooperation among platforms and with the Commission.

In particular, the discussion will focus on results achieved so far, constraints and challenges faced by online platforms, as well as opportunities notably with regards to technologies and development of collective action to strengthen efforts to combat illegal content.

More precisely, the objectives of the meeting are to:

- 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:** corporate objectives, process and tools developed including for proactive detection and removal of illegal content, indicators developed to assess the evolution of the spread of illegal content;



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III. Assess the commitment and ongoing actions from platforms to achieving European policy objectives and discuss next steps.

Questions

- What actions and commitments have you taken to fight illegal content?
- What impacts did these actions have on the spreading of illegal content on your platform?
- How can proactive measures and technologies lead to better results?
- What are you doing to develop tools in coordination with other platforms to fight illegal content?

Online platforms are also invited to send us policy briefs / factsheets on their policy on illegal content. These papers could be made available in the room or maintained confidential, as requested by the platform.

Annex: Meeting agenda