> **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. .

- You will deliver a short introductory speech, setting the general policy goals and the ambition for the day. Your speech will launch a series of questions to the online platforms in the room, and will be followed by a short intervention from Commissioner Gabriel announcing elements of further policy intervention, as well as Commissioners Avramopoulos, King and Jourova, with short discussions on the EU Internet Forum and on the Code of Conduct on illegal hate speech. Commissioner Bienkowska might join

- 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 tacking 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

- Thank you for joining us today in Brussels.

- My colleagues and I are keen on opening a robust and lasting dialogue with industry, recognising that the spread of illegal content online is a challenge with no silver bullet, and a challenge where no one actor, be it public or private, can work in isolation. We certainly need further cooperation and we need to be aligned in a decisive and committed fight against illegal content with such severe consequences in our societies today.

- Europe, and the entire world, is threatened by despicable terrorist attacks we have all witnessed with indignation and grief. The Internet is still amongst the main media used for spreading incitement to terrorism. This is also the case for horrific crimes such as child sexual abuse, hate speech, but also wildlife trafficking, or threats to intellectual property and consumer harm.

- Of course the roots are deeper than the mere symptoms we can see online. We surely need to address the core of the matter and its global dimensions.

- There is, however, an urgency to act against the spread of such content online. Illegal content achieves its harmful impact only when widely spread across the web: it is important to stop its spread as early as possible. Online intermediaries are central to help address this societal challenge and we are calling on online platforms to do their outmost to fight against illegal content.

- I also want to say up-front that that Commission is very much supportive of the opportunities brought by online platforms. We are aware of the difficulties the platforms themselves are confronted with.

- We are mindful of the delicate balance between tackling illegal and harmful content, and the careful safeguards of users' rights online. The internet must remain a place where freedom of expression strives. This is a fundamental value in our democratic societies and ought to be carefully preserved also by the tools and accountable processes put in place to detect and take down illegal content.

- While we see and appreciate efforts made by the bigger platforms, many of whom are represented here today, in proactively detecting and taking down illegal content, we are also aware of the challenges this entails especially for the smaller platforms. This is one of the main points we want to discuss today: how can the industry work together more effectively and how can we support the small players in acting effectively without ruining their business with over-burdensome expenses?

- I open the discussion here and wish to engage with you on the best practices you have put in place, but also on how an industry-wide effort and cooperation can lead to better results. We all bear a responsibility towards our society and I hope today's discussion can lead to a very robust and lasting collaboration.

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:

    o   ensures swift and effective removal, by outlining clear responsibilities by online platforms

    o   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:

  o establish an easily accessible and user-friendly notification mechanism

  o cooperate with law enforcement and other competent authorities, including by sharing evidence.

  o allow trusted flaggers to have a privileged relationship, while ensuring sufficient standards as regards training, quality assurance or safeguards.

  o use voluntary, proactive measures to detect and identify illegal content and step up cooperation and the use of automatic detection technologies.

  o 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:

  o Users need more transparency on the platforms' content policy and on the outcome of the application of the notice-and-action mechanism.

  o Counter-notices are necessary as important safeguards against excessive or erroneous removal.

  o 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.

  o 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.

> Wrong reference - DG HOME initiative

- 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 (DG HOME/DG CONNECT)

- 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 (DG JUST)

- 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:

    o Time of assessment of notifications from reception by platform (-24h/-48h/-1w/+1w/no assessment)

    o Removal rate (how many notices lead to removal)

    o 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)

    o Grounds of hatred of the notified content

- o Number of national contact points for law enforcement and other competent authorities

- o Number of national contact points by IT Platform to cooperate with national authorities

- o Number (and increase over time) of trusted flagger partners by IT Company

- o Performance of automatic detection system (e.g. Average n. of analysed cases deriving from automatic detection compared to n. of cases resulting from notices)

- o Qualitative analysis of the quality of feedback (reference to terms of services / law)

- o Percentage of notices followed-up with feedback to users (broken down by feedback to all users or feedback to trusted flagger)

- o Qualitative analysis of the quality of feedback (reference to terms of services / law)

- o 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.

Consumer Protection Cooperation (CPC) Network - Joint Action on Social Media (DG JUST)

- It seeks the creation of a "notice and action procedure" by social media platforms (Google+, Facebook, Twitter) to be used by the CPC authorities for the removal of illegal content.

- It asks these companies to modify their "standard terms" of service, in order to comply with EU consumer law

- The action will be concluded by the end of 2017. Following the deadline for implementation, the CPC Network authorities will issue a statement in which they will present in detail all the improvements and modifications that have been achieved.

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):

  o number of products removed and number of products promoted to upload

  o 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): ▓▓▓▓▓▓▓▓▓▓ **(DG CONNECT),** ▓▓▓▓▓ 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)