

Brussels, 07.01.2020

Dear Executive Vice-President Vestager, Commissioner Breton,

The past twenty years have seen unprecedented development of online services and innovative technologies, largely thanks to the rules underpinning the open internet. EDiMA's members have been involved in this evolution from its earliest days and we recognise that new developments are raising challenges for policymakers - especially when it comes to finding a balance which addresses concerns around illegal content while also fostering innovation. I therefore write to you today to submit our vision for a new 'Online Responsibility Framework', which would enable and incentivise Internet companies to do more to protect consumers from illegal content by clearly distinguishing between a new principle of responsibility and the existing principle of liability.

As it stands, additional efforts to find and remove illegal content carry risks for internet companies. The more that companies do to find illegal content, the greater the risk that they are exposed to increased liability. This is not the intention of the system, but an unfortunate consequence. It has created a perverse incentive whereby companies are discouraged from taking action before being made aware of the existence of illegal content, for fear of incurring additional liability. This is to the benefit of no one.

This 'Online Responsibility Framework' would be built on the foundational principles of the internet and the EU Internal Market. At its heart, the framework would reaffirm the principle of limited liability for online service providers for an individual piece of content, which would offer companies legal certainty. It would additionally acknowledge that more can be done by internet companies at a systemic level to address broader concerns by offering the principle of responsibility, in addition to liability, enabling companies to act without the risk of incurring greater risk of liability. This would permit and encourage EDiMA's members, and internet companies more broadly, to do more to accomplish what we all believe is necessary to better protect consumers from illegal content.

By expanding how we consider service providers' and other actors' roles and responsibilities in the online ecosystem, rather than just liability, we can create rules which encourage rather than discourage further action to tackle illegal content online.

These are issues of great importance to EDiMA and we have engaged constructively with previous content-related proposals at EU-level. Once again, EDiMA and our members are ready to play our part. We have unparalleled expertise in dealing with illegal content and are ready to offer that expertise to support you and your colleagues.

I would ask that you consider the content of this paper as a part of your deliberations on a potential 'Digital Services Act' as we believe that the objectives you may wish to address may be best achieved through an Online Responsibility Framework. Additionally, I would ask for an opportunity to meet with you to discuss the subject more thoroughly at your earliest convenience in the hope of building a framework which can better protect consumers and still encourage the growth and development of online companies in the EU.

\* EDiMA is the European trade association representing online platforms and other innovative businesses. It is an alliance of new media and Internet companies whose members include Airbnb, Allegro, Amazon EU, Apple, eBay, Expedia, Facebook, Google, King, Microsoft, Mozilla, OLX, Snap Inc., Spotify, TripAdvisor, Twitter, Verizon Media and Yelp. EDiMA's members provide Internet and new media platforms offering European consumers a wide range of online services, including e-content, media, e-commerce, communications and information/search services.



Kind Regards,



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