

(GROW)

From: [REDACTED] (GROW)
Sent: 31 March 2017 16:29
To: GROW SERVICES NOTIFICATIONS; [REDACTED] (CNECT); JUST C3 GROW NOTIFICATIONS; JUST E2; [REDACTED] (GROW); JUST C2
Cc: [REDACTED] (CNECT); [REDACTED] (GROW); [REDACTED] (GROW); [REDACTED] (JUST); [REDACTED] (CNECT); [REDACTED] (CNECT); [REDACTED] (CNECT)
Subject: Notifications 2017/127/D Act improving law enforcement on social networks
Attachments: 2015-305-D DE re to EC comments.pdf; 2015-305-D EC comments.pdf

Dear colleagues,

We received notification 2017/127/D "***Act improving law enforcement on social networks***" under the Directive (EU) 2015/1535 notification procedure.

The draft Law aims at ensuring that criminal content published on digital social networks, such as hate speech, abuse, defamation or fake news, is promptly removed by social network operators. According to the notification message, the definition of its scope would ensure that the draft applies only to operators of large influential digital social networks such as YouTube, Facebook or Twitter.

The notified draft contains the following provisions:

- Standards for effective complaint management to ensure that social networks delete blatantly criminal content 24 hours after receipt of a complaint from a user. The draft makes it compulsory to have effective, transparent methods for the prompt deletion of illegal content, including user-friendly mechanisms for registering complaints.
- Social networks shall be legally bound to file quarterly reports on how they dealt with complaints regarding potentially criminal content. The reports shall contain statistics on the volume of complaints and information on the networks' decision-making process. They shall also provide information on the complaints team responsible for processing the complaints. The reports must be readily retrievable on the social network's homepage.
- Social networks may be imposed a fine of up to EUR 5 million in the following cases: deliberate or negligent non-compliance with the reporting obligation, violation of the obligation to have effective complaint management, violation of the obligation to appoint a person on German soil authorised to accept service and an authorised recipient on German soil for requests for information from law enforcement authorities.

The notification message and the draft text concerning this notification can be found on <http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2017&num=127>

The notification under subject come to develop further the obligations regarding intermediaries' liability contained in Article 10 of the German Telemedia Act (TMG). This provision was commented by the Commission when it was amended and notified under previous notification 2015/305/D, in relation with

the liability exemption contained in Article 14 of the E-commerce Directive. The exchange between EC and DE is attached.

The latest text of the German Telemedia Act is available at <https://www.gesetze-im-internet.de/tmg/BJNR017910007.html>

In the event you would have **any comments**, I would be grateful for your feedback by **28/4/2017** (final deadline for written contributions). In the absence of a reply by the above-mentioned deadline, we will consider that you have no comments on the notified draft.


*Should you have any **questions of understanding** (interim comments), please send them to me **as soon as possible before the deadline** indicated above.*

Thank you very much in advance.

Kind regards,


European Commission

*DG Internal Market, Industry, Entrepreneurship and SMEs
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