

**Amendment 168****Rachida Dati**

on behalf of the PPE Group

**Report****A8-0193/2019****Daniel Dalton**Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))**Proposal for a regulation****Recital 15***Text proposed by the Commission**Amendment*

(15) Referrals by the competent authorities *or Europol* constitute an effective and swift means of **making** hosting service providers **aware of specific content on their services**. This mechanism **of alerting hosting service providers to information that may be considered terrorist content**, for the provider's voluntary consideration of the compatibility its own terms and conditions, should remain available in addition to removal orders. It is important that hosting service providers **assess** such referrals **as a matter of priority** and provide swift feedback about action taken. The ultimate decision about whether or not **to remove** the content **because it is not** compatible with their terms and conditions **remains** with the hosting service provider. **In implementing this Regulation related to referrals, Europol's mandate as laid down in Regulation (EU) 2016/794<sup>13</sup> remains unaffected.**

(15) Referrals by the competent authorities constitute an effective and swift means of **alerting** hosting service providers **of the presence of potential terrorist content on their services**. This mechanism for the provider's voluntary consideration of the compatibility **of a specific piece of content with** its own terms and conditions **has proved to be a quick, efficient and effective tool in the fight against terrorist content online and** should remain available in addition to removal orders. It is important that hosting service providers **give priority to** such referrals and provide swift feedback about action taken. The ultimate decision about whether or not the content **is** compatible with their terms and conditions **and the consequential action taken, notably to remove or to keep content online, remain** with the hosting service provider. **The mere receipt of a referral should not by itself be automatically considered as actual knowledge of illegal activity or information by the hosting service provider having received the referral, since this requires a case-by-case assessment of the content referred.**

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<sup>13</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of

11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

Or. en

12.4.2019

A8-0193/169

**Amendment 169**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**A8-0193/2019**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. The competent authority shall have the power to issue a **decision** requiring the hosting service provider to remove terrorist content or disable access to it.

*Amendment*

1. The competent authority shall have the power to issue a **removal order** requiring the hosting service provider to remove terrorist content or disable access to it **in all Member States**.

Or. en

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A8-0193/170

**Amendment 170**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**A8-0193/2019**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**Proposal for a regulation**

**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 4 a*

*Consultation procedure for removal orders*

- 1. The issuing authority shall submit a copy of the removal order to the competent authority referred to in Article 17(1)(a) of the Member State in which the main establishment of the hosting service provider is located at the same time it is transmitted to the hosting service provider in accordance with Article 4(5).*
- 2. In cases where the competent authority of the Member State in which the main establishment of the hosting service provider is located has reasonable grounds to believe that the removal order may impact fundamental interests of that Member State, it shall inform the issuing competent authority.*
- 3. The issuing authority shall take these circumstances into account and shall, where necessary, withdraw or adapt the removal order.*

Or. en

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A8-0193/171

**Amendment 171**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**A8-0193/2019**

**Proposal for a regulation**

**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The competent authority or *the relevant Union body* may send a referral to a hosting service provider.

*Amendment*

1. The competent authority or *Europol* may send a referral to a hosting service provider, *when it considers that a piece of content violates the hosting service providers' terms and conditions.*

Or. en

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A8-0193/172

**Amendment 172**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**A8-0193/2019**

**Proposal for a regulation**

**Article 5 – paragraph 6**

*Text proposed by the Commission*

6. The hosting service provider shall ***expeditiously*** inform the competent authority or ***relevant Union body*** of the outcome of the assessment and the timing of any action taken as a result of the referral.

*Amendment*

6. The hosting service provider shall ***without undue delay*** inform the competent authority or ***Europol*** of the outcome of the assessment and the timing of any action taken as a result of the referral, ***including where no action has been taken.***

Or. en

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A8-0193/173

**Amendment 173**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**A8-0193/2019**

**Proposal for a regulation**

**Article 5 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. Hosting service providers shall not be held liable solely for complying with the provisions of this Article.***

Or. en

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A8-0193/174

**Amendment 174**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**A8-0193/2019**

**Proposal for a regulation**

**Article 5 – paragraph 7**

*Text proposed by the Commission*

7. Where the hosting service provider considers that the referral does not contain sufficient information to assess the referred content, it shall inform without delay the competent authorities or **relevant Union body**, setting out what further information or clarification is required.

*Amendment*

7. Where the hosting service provider considers that the referral does not contain sufficient information to assess the referred content, it shall inform without delay the competent authorities or **Europol**, setting out what further information or clarification is required.

Or. en



12.4.2019

A8-0193/175

**Amendment 175**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**A8-0193/2019**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Hosting service providers shall, where appropriate, take **proactive** measures to protect their services against the dissemination of terrorist content. The measures shall be effective and proportionate, taking into account the risk and level of exposure to terrorist content, the fundamental rights of the users, and the fundamental importance of the freedom of expression and information in an open and democratic society.

*Amendment*

1. Hosting service providers **exposed to terrorist content** shall, where appropriate, take **specific** measures to protect their services against the dissemination of terrorist content. The measures shall be effective, **targeted** and proportionate, taking into account the risk and level of exposure to terrorist content, **paying particular regard to** the fundamental rights of the users, and the fundamental importance of the freedom of expression and **the freedom to receive and impart information and ideas** in an open and democratic society.

Or. en

12.4.2019

A8-0193/176

**Amendment 176**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**A8-0193/2019**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Where it has been informed according to Article 4(9), the competent authority referred to in Article 17(1)(c) **shall** request the hosting service provider to submit a report, within three months after receipt of the request and thereafter **at least on an annual basis**, on the specific **proactive** measures it has taken, **including by using automated tools, with a view to:**

Where it has been informed according to Article 4(9), the competent authority referred to in Article 17(1)(c) **may** request the hosting service provider to submit a report. **Where a request has been made, the hosting service provider shall submit its report** within three months after receipt of the request and **regularly** thereafter on the specific measures it has taken.

Or. en

12.4.2019

A8-0193/177

**Amendment 177**

**Rachida Dati**

on behalf of the PPE Group

**Report**

**A8-0193/2019**

**Daniel Dalton**

Tackling the dissemination of terrorist content online  
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) preventing the re-upload of content which has previously been removed or to which access has been disabled because it is considered to be terrorist content;** *deleted*

Or. en