Recital 15

(15) Referrals by the competent authorities or Europol constitute an effective and swift means of alerting hosting service providers of the presence of potential terrorist 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 the content is 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 remains unaffected.

Regulation (EU) 2016/794 of the European Parliament and of the Council of
12.4.2019

Amendment 169
Rachida Dati
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

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
### Amendment 170

**Rachida Dati**

on behalf of the PPE Group

**Report**

**Daniel Dalton**

Tackling the dissemination of terrorist content online


**Proposal for a regulation**

**Article 4 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 4 a</strong></td>
<td></td>
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<tr>
<td>Consultation procedure for removal orders</td>
<td></td>
</tr>
<tr>
<td>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).</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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<tr>
<td>3. The issuing authority shall take these circumstances into account and shall, where necessary, withdraw or adapt the removal order.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
Amendment 171
Rachida Dati 
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

Proposal for a regulation
Article 5 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The competent authority or the relevant Union body may send a referral to a hosting service provider.</td>
<td>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</td>
</tr>
</tbody>
</table>
Amendment 172
Rachida Dati
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

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
Amendment 173
Rachida Dati
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

Proposal for a regulation
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

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

Amendment

Or. en
Amendment 174
Rachida Dati
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

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
Amendment 175
Rachida Dati
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

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

Amendment 176
Rachida Dati
on behalf of the PPE Group

Report
Daniel Dalton
Tackling the dissemination of terrorist content online

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>Where it has been informed according to Article 4(9), the competent authority referred to in Article 17(1)(c) \textbf{shall} request the hosting service provider to submit a report, within three months after receipt of the request and thereafter \textbf{at least on an annual basis}, on the specific proactive measures it has taken, \textbf{including by using automated tools, with a view to:}</td>
<td>Where it has been informed according to Article 4(9), the competent authority referred to in Article 17(1)(c) \textbf{may} request the hosting service provider to submit a report. \textbf{Where a request has been made, the hosting service provider shall submit its report} within three months after receipt of the request and \textbf{regularly} thereafter on the specific measures it has taken.</td>
</tr>
</tbody>
</table>

Or. en
Amendment 177  
Rachida Dati  
on behalf of the PPE Group  

Report  
Daniel Dalton  
Tackling the dissemination of terrorist content online  

Proposal for a regulation  
Article 6 – paragraph 2 – subparagraph 1 – point a  

Text proposed by the Commission  

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

Amendment  

Or. en