



Plenary sitting

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9.4.2019

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on preventing the dissemination of terrorist content online
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Daniel Dalton

Rapporteur for the opinion (*):
Julie Ward, Committee on Culture and Education

(*) Associated committee – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0640),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0405/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2018¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and also the opinions of the Committee on Culture and Education and the Committee on the Internal Market and Consumer Protection (A8-0193/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Title 1

¹ Not yet published in the Official Journal.

Text proposed by the Commission

REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on **preventing** the dissemination of terrorist
content online

Amendment

REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on **tackling** the dissemination of terrorist
content online

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) This Regulation aims at ensuring the smooth functioning of the digital single market in an open and democratic society, by **preventing** the misuse of hosting services for terrorist purposes. The functioning of the digital single market should be improved by reinforcing legal certainty for hosting service providers, reinforcing users' trust in the online environment, and by strengthening safeguards to the freedom of expression **and** information.

Amendment

(1) This Regulation aims at ensuring the smooth functioning of the digital single market in an open and democratic society, by **tackling** the misuse of hosting services for terrorist purposes **and contributing to public security in European societies**. The functioning of the digital single market should be improved by reinforcing legal certainty for hosting service providers, reinforcing users' trust in the online environment, and by strengthening safeguards to the freedom of expression, **the freedom to receive and impart information and ideas in an open and democratic society and the freedom and pluralism of the media**.

Amendment 3

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Regulation of hosting service providers can only complement Member States' strategies to address terrorism, which must emphasise offline measures such as investment in social work, de-radicalisation initiatives and engagement with affected communities to achieve a

sustainable prevention of radicalisation in society.

Amendment 4

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Terrorist content is part of a broader problem of illegal content online, which includes other forms of content such as child sexual exploitation, illegal commercial practises and breaches of intellectual property. Trafficking in illegal content is often undertaken by terrorist and other criminal organisations to launder and raise seed money to finance their operations. This problem requires a combination of legislative, non-legislative and voluntary measures based on collaboration between authorities and providers, in the full respect for fundamental rights. Though the threat of illegal content has been mitigated by successful initiatives such as the industry-led Code of Conduct on countering illegal hate speech online and the WEePROTECT Global Alliance to end child sexual abuse online, it is necessary to establish a legislative framework for cross-border cooperation between national regulatory authorities to take down illegal content.

Amendment 5

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Hosting service providers active on the internet play an essential role in the digital economy by connecting business and citizens and by facilitating public

(2) Hosting service providers active on the internet play an essential role in the digital economy by connecting business and citizens, ***providing learning***

debate and the distribution and receipt of information, opinions and ideas, contributing significantly to innovation, economic growth and job creation in the Union. However, their services are in certain cases abused by third parties to carry out illegal activities online. Of particular concern is the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist content online in order to spread their message, to radicalise and recruit and to facilitate and direct terrorist activity.

opportunities and by facilitating public debate and the distribution and receipt of information, opinions and ideas, contributing significantly to innovation, economic growth and job creation in the Union. However, their services are in certain cases abused by third parties to carry out illegal activities online. Of particular concern is the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist content online in order to spread their message, to radicalise and recruit and to facilitate and direct terrorist activity.

Amendment 6

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The presence of terrorist content online has serious negative consequences for users, for citizens and society at large as well as for the online service providers hosting such content, since it undermines the trust of their users and damages their business models. In light of their central role and the technological means and capabilities associated with the services they provide, online service providers have particular societal responsibilities to protect their services from misuse by terrorists and to help tackle terrorist content disseminated through their services.

Amendment

(3) ***While not the only factor***, the presence of terrorist content online ***has proven to be a catalyst for the radicalisation of individuals who have committed terrorist acts, and therefore*** has serious negative consequences for users, for citizens and society at large as well as for the online service providers hosting such content, since it undermines the trust of their users and damages their business models. In light of their central role and ***proportionate to*** the technological means and capabilities associated with the services they provide, online service providers have particular societal responsibilities to protect their services from misuse by terrorists and to help ***competent authorities to*** tackle terrorist content disseminated through their services, ***whilst taking into account the fundamental importance of the freedom of expression and freedom to receive and impart information and ideas in an open and democratic society.***

Amendment 7

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers need to be complemented by a clear legislative framework in order to further reduce accessibility to terrorist content online and adequately address a rapidly evolving problem. This legislative framework seeks to build on voluntary efforts, which were reinforced by the Commission Recommendation (EU) 2018/334⁷ and responds to calls made by the European Parliament to strengthen measures to tackle illegal and harmful content and by the European Council to improve the *automatic* detection and removal of content that incites to terrorist acts.

⁷ Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Amendment 8

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The application of this Regulation should not affect the application *of Article 14* of Directive 2000/31/EC⁸. *In particular, any measures taken by the hosting service provider in compliance with this Regulation, including any*

Amendment

(4) Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers need to be complemented by a clear legislative framework in order to further reduce accessibility to terrorist content online and adequately address a rapidly evolving problem. This legislative framework seeks to build on voluntary efforts, which were reinforced by the Commission Recommendation (EU) 2018/334⁷ and responds to calls made by the European Parliament to strengthen measures to tackle illegal and harmful content *in line with the horizontal framework established by Directive 2000/31/EC* and by the European Council to improve the detection and removal of content that incites to terrorist acts.

⁷ Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Amendment

(5) The application of this Regulation should not affect the application of Directive 2000/31/EC⁸. This Regulation leaves unaffected the powers of national authorities and courts to establish liability of hosting service providers in specific

proactive measures, should not in themselves lead to that service provider losing the benefit of the liability exemption provided for in that provision.

This Regulation leaves unaffected the powers of national authorities and courts to establish liability of hosting service providers in specific cases where the conditions under **Article 14 of** Directive 2000/31/EC for liability exemption are not met.

cases where the conditions under Directive 2000/31/EC for liability exemption are not met.

⁸ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

^{2a} Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

Amendment 9

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) Rules to ***prevent*** the misuse of hosting services for the dissemination of terrorist content online in order to guarantee the smooth functioning of the internal market are set out in this Regulation ***in full respect of*** the fundamental rights protected in the Union's legal order and notably those guaranteed in the Charter of Fundamental Rights of the European Union.

Amendment

(6) Rules to ***tackle*** the misuse of hosting services for the dissemination of terrorist content online in order to guarantee the smooth functioning of the internal market are set out in this Regulation ***and should fully*** respect the fundamental rights protected in the Union's legal order and notably those guaranteed in the Charter of Fundamental Rights of the European Union.

Amendment 10

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) This Regulation ***contributes*** to the

Amendment

(7) This Regulation ***seeks to*** contribute

protection of public security *while establishing* appropriate and robust safeguards to ensure protection of the fundamental rights at stake. This includes the rights to respect for private life and to the protection of personal data, the right to effective judicial protection, the right to freedom of expression, including the freedom to receive and impart information, the freedom to conduct a business, and the principle of non-discrimination. Competent authorities and hosting service providers should only adopt measures which are necessary, appropriate and proportionate within a democratic society, taking into account the particular importance accorded to the freedom of expression *and* information, which constitutes *one of* the essential foundations of a pluralist, democratic society, and *is one of* the values on which the Union is founded. Measures *constituting* interference in the freedom of expression and information should *be strictly targeted, in the sense that they must* serve to *prevent* the dissemination of terrorist content, but without thereby affecting the right to lawfully receive and impart information, taking into account the central role of hosting service providers in facilitating public debate and the distribution and receipt of facts, opinions and ideas in accordance with the law.

to the protection of public security *and should establish* appropriate and robust safeguards to ensure protection of the fundamental rights at stake. This includes the rights to respect for private life and to the protection of personal data, the right to effective judicial protection, the right to freedom of expression, including the freedom to receive and impart information, the freedom to conduct a business, and the principle of non-discrimination. Competent authorities and hosting service providers should only adopt measures which are necessary, appropriate and proportionate within a democratic society, taking into account the particular importance accorded to the freedom of expression, *the freedom to receive and impart* information *and ideas, the rights to respect for private and family life and the protection of personal data* which constitutes the essential foundations of a pluralist, democratic society, and *are* the values on which the Union is founded. *Any* measures *should avoid* interference in the freedom of expression and information *and insofar as possible* should serve to *tackle* the dissemination of terrorist content *through a strictly targeted approach*, but without thereby affecting the right to lawfully receive and impart information, taking into account the central role of hosting service providers in facilitating public debate and the distribution and receipt of facts, opinions and ideas in accordance with the law. *Effective online counterterrorism measures and the protection of freedom of expression are not conflicting, but complementary and mutually reinforcing goals.*

Amendment 11

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial remedy before the competent national court against any of the measures taken pursuant to this Regulation, which can adversely affect the rights of that person. The right includes, in particular the possibility for hosting service providers and content providers to effectively contest the removal orders before the court of the Member State whose authorities issued the removal order.

Amendment

(8) The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial remedy before the competent national court against any of the measures taken pursuant to this Regulation, which can adversely affect the rights of that person. The right includes, in particular the possibility for hosting service providers and content providers to effectively contest the removal orders before the court of the Member State whose authorities issued the removal order ***and the possibilities for content providers to contest the specific measures taken by the hosting provider.***

Amendment 12

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to provide clarity about the actions that both hosting service providers and competent authorities should take to ***prevent*** the dissemination of terrorist content online, this Regulation should establish a definition of terrorist content for preventative purposes drawing on the definition of terrorist offences under Directive (EU) 2017/541 of the European Parliament and of the Council⁹. Given the need to ***address*** the most harmful terrorist ***propaganda*** online, the definition should capture material ***and information*** that incites, ***encourages*** or ***advocates*** the commission or contribution ***to*** terrorist offences, ***provides instructions for the commission of such offences*** or promotes the participation in activities of a terrorist group. Such information includes in particular text, images, sound recordings

Amendment

(9) In order to provide clarity about the actions that both hosting service providers and competent authorities should take to ***tackle*** the dissemination of terrorist content online, this Regulation should establish a definition of terrorist content for preventative purposes drawing on the definition of terrorist offences under Directive (EU) 2017/541 of the European Parliament and of the Council⁹. Given the need to ***tackle*** the most harmful terrorist ***content*** online, the definition should capture material that incites or ***solicits*** the commission or contribution ***of*** terrorist offences, or promotes the participation in activities of a terrorist group ***thereby causing danger that one or more such offences may be committed intentionally.*** ***The definition should also cover content that provides guidance for the making***

and videos. When assessing whether content constitutes terrorist content within the meaning of this Regulation, competent authorities as well as hosting service providers should take into account factors such as the nature and wording of the statements, the context in which the statements were made and their potential to lead to harmful consequences, thereby affecting the security and safety of persons. The fact that the material was produced by, is attributable to or disseminated on behalf of an EU-listed terrorist organisation or person constitutes an important factor in the assessment. Content disseminated for educational, *journalistic* or research purposes should be adequately protected. Furthermore, the expression of radical, polemic or controversial views in the public debate on sensitive political questions should not be considered terrorist content.

and the use of explosives, firearms, any other weapons, noxious or hazardous substances as well as Chemical, Biological, Radiological and Nuclear (CBRN) substances and any guidance on other methods and techniques, including the selection of targets, for the purpose of committing terrorist offences. Such information includes in particular text, images, sound recordings and videos. When assessing whether content constitutes terrorist content within the meaning of this Regulation, competent authorities as well as hosting service providers should take into account factors such as the nature and wording of the statements, the context in which the statements were made and their potential to lead to harmful consequences, thereby affecting the security and safety of persons. The fact that the material was produced by, is attributable to or disseminated on behalf of an EU-listed terrorist organisation or person constitutes an important factor in the assessment. Content disseminated for educational, journalistic or research purposes *or for awareness-raising purposes against terrorist activity* should be adequately protected. *Especially in cases where the content provider holds an editorial responsibility, any decision as to the removal of the disseminated material should take into account the journalistic standards established by press or media regulation consistent with the law of the Union and the Charter of Fundamental Rights.* Furthermore, the expression of radical, polemic or controversial views in the public debate on sensitive political questions should not be considered terrorist content.

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88,

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88,

Amendment 13**Proposal for a regulation
Recital 10***Text proposed by the Commission*

(10) In order to cover those online hosting services where terrorist content is disseminated, this Regulation should apply to information society services which store information provided by a recipient of the service at his or her request and in making the information stored available to **third parties**, irrespective of whether this activity is of a mere technical, automatic and passive nature. By way of example such providers of information society services include social media platforms, video streaming services, video, image and audio sharing services, file sharing and other cloud services to the extent they make the information available to **third parties** and websites where users can make comments or post reviews. The Regulation should also apply to hosting service providers established outside the Union but offering services within the Union, since a significant proportion of hosting service providers exposed to terrorist content on their services are established in third countries. This should ensure that all companies operating in the Digital Single Market comply with the same requirements, irrespective of their country of establishment. The determination as to whether a service provider offers services in the Union requires an assessment whether the service provider enables legal or natural persons in one or more Member States to use its services. However, the mere accessibility of a service provider's website or of an email address and of other contact details in one or more Member States taken in isolation should not be a sufficient condition for the application of

Amendment

(10) In order to cover those online hosting services where terrorist content is disseminated, this Regulation should apply to information society services which store information provided by a recipient of the service at his or her request and in making the information stored available to **the public**, irrespective of whether this activity is of a mere technical, automatic and passive nature. By way of example such providers of information society services include social media platforms, video streaming services, video, image and audio sharing services, file sharing and other cloud services to the extent they make the information available to **the public** and websites where users can make comments or post reviews. The Regulation should also apply to hosting service providers established outside the Union but offering services within the Union, since a significant proportion of hosting service providers exposed to terrorist content on their services are established in third countries. This should ensure that all companies operating in the Digital Single Market comply with the same requirements, irrespective of their country of establishment. The determination as to whether a service provider offers services in the Union requires an assessment whether the service provider enables legal or natural persons in one or more Member States to use its services. However, the mere accessibility of a service provider's website or of an email address and of other contact details in one or more Member States taken in isolation should not be a sufficient condition for the application of

this Regulation.

this Regulation. *It should not apply to cloud services, including business-to-business cloud services, with respect to which the service provider has no contractual rights concerning what content is stored or how it is processed or made publicly available by its customers or by the end-users of such customers, and where the service provider has no technical capability to remove specific content stored by their customers or the end-users of their services.*

Amendment 14

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) A substantial connection to the Union should be relevant to determine the scope of this Regulation. Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, ***or the possibility of ordering goods or services.*** The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from providing local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service

Amendment

(11) A substantial connection to the Union should be relevant to determine the scope of this Regulation. Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from providing local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities towards one

provider directs its activities towards one or more Member State as set out in Article 17(1)(c) of Regulation 1215/2012 of the European Parliament and of the Council¹⁰. On the other hand, provision of the service in view of mere compliance with the prohibition to discriminate laid down in Regulation (EU) 2018/302 of the European Parliament and of the Council¹¹ cannot, on that ground alone, be considered as directing or targeting activities towards a given territory within the Union.

¹⁰ Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

¹¹ Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 601, 2.3.2018, p. 1).

or more Member State as set out in Article 17(1)(c) of Regulation 1215/2012 of the European Parliament and of the Council¹⁰. On the other hand, provision of the service in view of mere compliance with the prohibition to discriminate laid down in Regulation (EU) 2018/302 of the European Parliament and of the Council¹¹ cannot, on that ground alone, be considered as directing or targeting activities towards a given territory within the Union.

¹⁰ Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

¹¹ Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 601, 2.3.2018, p. 1).

Amendment 15

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Hosting service providers should apply certain duties of care, in order to **prevent** the dissemination of terrorist content on their services. These duties of care should not amount to a general **monitoring** obligation. Duties of care should include that, when applying this Regulation, hosting services providers act

Amendment

(12) Hosting service providers should apply certain duties of care, in order to **tackle** the dissemination of terrorist content on their services **to the public**. These duties of care should not amount to a general **obligation on hosting service providers to monitor the information which they store, nor to a general obligation to actively seek**

in a diligent, proportionate and non-discriminatory manner in respect of content that they store, in particular when implementing their own terms and conditions, with a view to avoiding removal of content which is not terrorist. The removal or disabling of access has to be undertaken in the observance of freedom of expression **and** information.

facts or circumstances indicating illegal activity. Duties of care should include that, when applying this Regulation, hosting services providers act in a ***transparent,*** diligent, proportionate and non-discriminatory manner in respect of content that they store, in particular when implementing their own terms and conditions, with a view to avoiding removal of content which is not terrorist. The removal or disabling of access has to be undertaken in the observance of freedom of expression, ***the freedom to receive and impart information and ideas in an open and democratic society and the freedom and pluralism of the media.***

Amendment 16

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The procedure and obligations resulting from ***legal*** orders requesting hosting service providers to remove terrorist content or disable access to it, following an assessment by the competent authorities, should be harmonised. Member States should remain free as to the choice of the competent authorities allowing them to designate administrative, law enforcement ***or judicial authorities*** with that task. Given the speed at which terrorist content is disseminated across online services, this provision imposes obligations on hosting service providers to ensure that terrorist content identified in the removal order is removed or access to it is disabled within one hour from receiving the removal order. ***It is for the hosting service providers to decide whether to remove the content in question or disable access to the content for users in the Union.***

Amendment

(13) The procedure and obligations resulting from ***removal*** orders requesting hosting service providers to remove terrorist content or disable access to it, following an assessment by the competent authorities, should be harmonised. Member States should remain free as to the choice of the competent authorities allowing them to designate ***a judicial authority or a functionally independent*** administrative ***or*** law enforcement ***authority*** with that task. Given the speed at which terrorist content is disseminated across online services, this provision imposes obligations on hosting service providers to ensure that terrorist content identified in the removal order is removed or access to it is disabled within one hour from receiving the removal order.

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The competent authority should transmit the removal order directly to the **addressee and point of contact** by any electronic means capable of producing a written record under conditions that allow the service provider to establish authenticity, including the accuracy of the date and the time of sending and receipt of the order, such as by secured email and platforms or other secured channels, including those made available by the service provider, in line with the rules protecting personal data. This requirement may notably be met by the use of qualified electronic registered delivery services as provided for by Regulation (EU) 910/2014 of the European Parliament and of the Council¹².

¹² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Referrals by the competent authorities or Europol constitute an

Amendment

(14) The competent authority should transmit the removal order directly to **the contact point of the hosting service provider and where the hosting service provider's main establishment is in another Member State, to the competent authority of that Member State** by any electronic means capable of producing a written record under conditions that allow the service provider to establish authenticity, including the accuracy of the date and the time of sending and receipt of the order, such as by secured email and platforms or other secured channels, including those made available by the service provider, in line with the rules protecting personal data. This requirement may notably be met by the use of qualified electronic registered delivery services as provided for by Regulation (EU) 910/2014 of the European Parliament and of the Council¹².

¹² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

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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) 2016/794¹³ remains unaffected.

¹³ *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).*

Amendment 19

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Given the scale and speed necessary for effectively identifying and removing terrorist content, proportionate **proactive** measures, **including by using automated means in certain cases**, are an essential element in tackling terrorist content online. With a view to reducing the

Amendment

(16) Given the scale and speed necessary for effectively identifying and removing terrorist content, proportionate **specific** measures, are an essential element in tackling terrorist content online. With a view to reducing the accessibility of terrorist content on their services, hosting

accessibility of terrorist content on their services, hosting service providers should assess whether it is appropriate to take **proactive** measures depending on the risks and level of exposure to terrorist content as well as to the effects on the rights of third parties and the public interest **of** information. Consequently, hosting service providers should determine what appropriate, effective and proportionate **proactive** measure should be put in place. This requirement should not imply a general monitoring obligation. In the context of this assessment, the absence of removal orders **and referrals** addressed to a hosting provider, is an indication of a low level of exposure to terrorist content.

service providers should assess whether it is appropriate to take **specific** measures depending on the risks and level of exposure to terrorist content as well as to the effects on the rights of third parties and the public interest **to receive and impart information, in particular where there is a substantial level of exposure to terrorist content and receipt of removal orders**. Consequently, hosting service providers should determine what appropriate, **targeted**, effective and proportionate **specific** measure should be put in place. This requirement should not imply a general monitoring obligation. **Those specific measures may include regular reporting to the competent authorities, increase of human resources dealing with measures to protect the services against public dissemination of terrorist content, and exchange of best practices**. In the context of this assessment, the absence of removal orders addressed to a hosting provider, is an indication of a low level of exposure to terrorist content.

Amendment 20

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) When putting in place **proactive** measures, hosting service providers should ensure that users' right to freedom of expression and **information - including to freely** receive and impart information - is preserved. In addition to any requirement laid down in the law, including the legislation on protection of personal data, hosting service providers should act with due diligence and implement safeguards, including notably human oversight and verifications, **where appropriate**, to avoid any unintended and erroneous decision leading to removal of content that is not terrorist content. **This is of particular**

Amendment

(17) When putting in place **specific** measures, hosting service providers should ensure that users' right to freedom of expression and **freedom to** receive and impart information **and ideas in an open and democratic society** is preserved. In addition to any requirement laid down in the law, including the legislation on protection of personal data, hosting service providers should act with due diligence and implement safeguards, including notably human oversight and verifications, to avoid any unintended and erroneous decision leading to removal of content that is not

relevance when hosting service providers use automated means to detect terrorist content. Any decision to use automated means, whether taken by the hosting service provider itself or pursuant to a request by the competent authority, should be assessed with regard to the reliability of the underlying technology and the ensuing impact on fundamental rights.

terrorist content.

Amendment 21

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) In order to ensure that hosting service providers exposed to terrorist content take appropriate measures to prevent the misuse of their services, the competent **authorities** should request hosting service providers having received a removal **order, which has become final**, to report on the **proactive** measures taken. **These could consist of measures to prevent the re-upload of terrorist content, removed or access to it disabled as a result of a removal order or referrals they received, checking against publicly or privately-held tools containing known terrorist content.** They may also employ the use of reliable technical tools to identify new terrorist content, **either using those available on the market or those developed by the hosting service provider.** The service provider should report on the specific **proactive** measures in place in order to allow the competent authority to judge whether the measures are effective and proportionate and whether, if automated means are used, the hosting service provider has the necessary abilities for human oversight and verification. In assessing the effectiveness and proportionality of the measures, competent authorities should take into account

Amendment

(18) In order to ensure that hosting service providers exposed to terrorist content take appropriate measures to prevent the misuse of their services, the competent **authority** should request hosting service providers having received a **substantial number of final** removal **orders**, to report on the **specific** measures taken. They may also employ the use of reliable technical tools to identify new terrorist content. The service provider should report on the specific measures in place in order to allow the competent authority to judge whether the measures are **necessary**, effective and proportionate and whether, if automated means are used, the hosting service provider has the necessary abilities for human oversight and verification. In assessing the effectiveness, **necessity** and proportionality of the measures, competent authorities should take into account relevant parameters including the number of removal orders issued to the provider, their **size and** economic capacity and the impact of its service in disseminating terrorist content (for example, taking into account the number of users in the Union), **as well as the safeguards put in place to protect the freedom of expression and information**

relevant parameters including the number of removal orders *and referrals* issued to the provider, their economic capacity and the impact of its service in disseminating terrorist content (for example, taking into account the number of users in the Union).

and the number of incidents of restrictions on legal content.

Amendment 22

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Following the request, the competent authority should enter into a dialogue with the hosting service provider about the necessary *proactive* measures to be put in place. If necessary, the competent authority should *impose* the adoption of appropriate, effective and proportionate *proactive* measures where it considers that the measures taken are insufficient to meet the risks. *A decision to impose* such specific *proactive* measures should not, *in principle*, lead to the imposition of a general obligation to monitor, as provided in Article 15(1) of Directive 2000/31/EC. *Considering the particularly grave risks associated with the dissemination of terrorist content, the decisions adopted by the competent authorities on the basis of this Regulation could derogate from the approach established in Article 15(1) of Directive 2000/31/EC, as regards certain specific, targeted measures, the adoption of which is necessary for overriding public security reasons. Before adopting such decisions, the competent authority should strike a fair balance between the public interest objectives and the fundamental rights involved, in particular, the freedom of expression and information and the freedom to conduct a business, and provide appropriate justification.*

Amendment

(19) Following the request, the competent authority should enter into a dialogue with the hosting service provider about the necessary *specific* measures to be put in place. If necessary, the competent authority should *request the hosting provider to re-evaluate the measures needed or request* the adoption of appropriate, effective and proportionate *specific* measures where it considers that the measures taken *do not respect the principles of necessity and proportionality or* are insufficient to meet the risks. *The competent authority should only request specific measures that the hosting service provider can reasonably be expected to implement, taking into account, among other factors, the hosting service provider's financial and other resources. A request to implement* such specific measures should not lead to the imposition of a general obligation to monitor, as provided in Article 15(1) of Directive 2000/31/EC.

Amendment 23

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) The obligation on hosting service providers to preserve removed content and related data, should be laid down for specific purposes and limited in time to what is necessary. There is need to extend the preservation requirement to related data to the extent that any such data would otherwise be lost as a consequence of the removal of the content in question. Related data can include data such as ‘subscriber data’, **including** in particular data pertaining to the identity of the content provider as well as ‘access data’, including for instance data about the date and time of use by the content provider, or the log-in to and log-off from the service, together with the IP address allocated by the internet access service provider to the content provider.

Amendment

(20) The obligation on hosting service providers to preserve removed content and related data, should be laid down for specific purposes and limited in time to what is necessary. There is need to extend the preservation requirement to related data to the extent that any such data would otherwise be lost as a consequence of the removal of the content in question. Related data can include data such as ‘subscriber data’, in particular data pertaining to the identity of the content provider as well as ‘access data’, including for instance data about the date and time of use by the content provider, or the log-in to and log-off from the service, together with the IP address allocated by the internet access service provider to the content provider.

Amendment 24

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The obligation to preserve the content for proceedings of administrative or judicial review is necessary and justified in view of ensuring the effective measures of redress for the content provider whose content was removed or access to it disabled as well as for ensuring the reinstatement of that content as it was prior to its removal depending on the outcome of the review procedure. The obligation to preserve content for investigative and prosecutorial purposes is justified and necessary in view of the value this material could bring for the purpose of disrupting or

Amendment

(21) The obligation to preserve the content for proceedings of administrative, or judicial review **or remedy** is necessary and justified in view of ensuring the effective measures of redress for the content provider whose content was removed or access to it disabled as well as for ensuring the reinstatement of that content as it was prior to its removal depending on the outcome of the review procedure. The obligation to preserve content for investigative and prosecutorial purposes is justified and necessary in view of the value this material could bring for

preventing terrorist activity. Where companies remove material or disable access to it, *in particular* through their own *proactive* measures, *and do not* inform the *relevant authority because they assess that it does not fall in the scope of Article 13(4) of this Regulation*, law enforcement *may be unaware of the existence of the content*. *Therefore*, the preservation of content for purposes of prevention, detection, investigation and prosecution of terrorist offences is also justified. For these purposes, the required preservation of data is limited to data that is likely to have a link with terrorist offences, and can therefore contribute to prosecuting terrorist offences or to preventing serious risks to public security.

the purpose of disrupting or preventing terrorist activity. Where companies remove material or disable access to it, through their own *specific* measures, *they should* inform the *competent* law enforcement *authorities promptly*. The preservation of content for purposes of prevention, detection, investigation and prosecution of terrorist offences is also justified. For these purposes, *the terrorist content and the related data should be stored only for a specific period allowing the law enforcement authorities to check the content and decide whether it would be needed for those specific purposes. This period should not exceed six months. For the purposes of prevention, detection, investigation and prosecution of terrorist offences*, the required preservation of data is limited to data that is likely to have a link with terrorist offences, and can therefore contribute to prosecuting terrorist offences or to preventing serious risks to public security.

Amendment 25

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) To ensure proportionality, the period of preservation should be limited to six months to allow the content providers sufficient time to initiate the review process *and* to enable law enforcement access to relevant data for the investigation and prosecution of terrorist offences. However, this period may be prolonged for the period that is necessary in case the review proceedings are initiated but not finalised within the six months period upon request by the authority carrying out the review. This duration should be sufficient to allow law enforcement authorities to preserve the necessary *evidence* in relation to investigations, while ensuring the

Amendment

(22) To ensure proportionality, the period of preservation should be limited to six months to allow the content providers sufficient time to initiate the review process *or* to enable law enforcement *authorities'* access to relevant data for the investigation and prosecution of terrorist offences. However, this period may be prolonged for the period that is necessary in case the review *or remedy* proceedings are initiated but not finalised within the six months period upon request by the authority carrying out the review. This duration should *also* be sufficient to allow law enforcement authorities to preserve the necessary *material* in relation to

balance with the fundamental rights concerned.

investigations **and prosecutions**, while ensuring the balance with the fundamental rights concerned.

Amendment 26

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Transparency of hosting service providers' policies in relation to terrorist content is essential to enhance their accountability towards their users and to reinforce trust of citizens in the Digital Single Market. **Hosting** service providers should publish annual transparency reports containing meaningful information about action taken in relation to the detection, identification and removal of terrorist content.

Amendment

(24) Transparency of hosting service providers' policies in relation to terrorist content is essential to enhance their accountability towards their users and to reinforce trust of citizens in the Digital Single Market. **Only hosting** service providers **which are subject to removal orders for that year** should **be obliged to** publish annual transparency reports containing meaningful information about action taken in relation to the detection, identification and removal of terrorist content.

Amendment 27

Proposal for a regulation Recital 24 a (new)

Text proposed by the Commission

Amendment

(24 a) The authorities competent to issue removal order should also publish transparency reports containing information on the number of removal orders, the number of refusals, the number of identified terrorist content which led to investigation and prosecution of terrorist offences and the number of cases of content wrongly identified as terrorist.

Amendment 28

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Complaint procedures constitute a necessary safeguard against erroneous removal of content protected under the freedom of expression and information. Hosting service providers should therefore establish user-friendly complaint mechanisms and ensure that complaints are dealt with promptly and in full transparency towards the content provider. The requirement for the hosting service provider to reinstate the content where it has been removed in error, does not affect the possibility of hosting service providers to enforce their own terms and conditions on other grounds.

Amendment

(25) Complaint procedures constitute a necessary safeguard against erroneous removal of content protected under the freedom of expression and ***freedom to receive and impart information and ideas in an open and democratic society***. Hosting service providers should therefore establish user-friendly complaint mechanisms and ensure that complaints are dealt with promptly and in full transparency towards the content provider. The requirement for the hosting service provider to reinstate the content where it has been removed in error, does not affect the possibility of hosting service providers to enforce their own terms and conditions on other grounds.

Amendment 29

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Effective legal protection according to Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union requires that persons are able to ascertain the reasons upon which the content uploaded by them has been removed or access to it disabled. For that purpose, the hosting service provider should make available to the content provider meaningful information enabling the content provider to contest the decision. ***However, this does not necessarily require a notification to the content provider.*** Depending on the circumstances, hosting service providers may replace content which is considered terrorist content, with a message that it has been removed or disabled in accordance with this Regulation. ***Further information about the***

Amendment

(26) Effective legal protection according to Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union requires that persons are able to ascertain the reasons upon which the content uploaded by them has been removed or access to it disabled. For that purpose, the hosting service provider should make available to the content provider meaningful information ***such as the reasons for the removal or disabling of access, the legal basis for the action*** enabling the content provider to contest the decision. Depending on the circumstances, hosting service providers may replace content which is considered terrorist content, with a message that it has been removed or disabled in accordance with this Regulation. Where competent

reasons as well as possibilities for the content provider to contest the decision should be given upon request. Where competent authorities decide that for reasons of public security including in the context of an investigation, it is considered inappropriate or counter-productive to directly notify the content provider of the removal or disabling of content, they should inform the hosting service provider.

authorities decide that for reasons of public security including in the context of an investigation, it is considered inappropriate or counter-productive to directly notify the content provider of the removal or disabling of content, they should inform the hosting service provider.

Amendment 30

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to avoid duplication and possible interferences with investigations, the competent authorities should inform, coordinate and cooperate with each other and where appropriate with Europol when issuing removal orders ***or sending referrals*** to hosting service providers. In implementing the provisions of this Regulation, Europol could provide support in line with its current mandate and existing legal framework.

Amendment

(27) In order to avoid duplication and possible interferences with investigations ***and to minimise the expenses of the affected service providers***, the competent authorities should inform, coordinate and cooperate with each other and where appropriate with Europol when issuing removal orders to hosting service providers. In implementing the provisions of this Regulation, Europol could provide support in line with its current mandate and existing legal framework.

Amendment 31

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27 a) Referrals by 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 with its own terms and

conditions, should remain available in addition to removal orders. For that reason it is important that hosting service providers cooperate with Europol and assess Europol's 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, Europol's mandate as laid down in Regulation (EU) 2016/794^{1a} remains unaffected.

^{1a} 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).

Amendment 32

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) In order to ensure the effective and sufficiently coherent implementation of **proactive** measures, competent authorities in Member States should liaise with each other with regard to the discussions they have with hosting service providers as to the identification, implementation and assessment of specific **proactive** measures. **Similarly**, such cooperation is also needed in relation to the adoption of rules on penalties, as well as the implementation and the enforcement of penalties.

Amendment

(28) In order to ensure the effective and sufficiently coherent implementation of measures **by hosting service providers**, competent authorities in Member States should liaise with each other with regard to the discussions they have with hosting service providers as to **removal orders and** the identification, implementation and assessment of specific measures. Such cooperation is also needed in relation to the adoption of rules on penalties, as well as the implementation and the enforcement of penalties.

Amendment 33

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) It is essential that the competent authority within the Member State responsible for imposing penalties is fully informed about the issuing of removal orders and **referrals and** subsequent exchanges between the hosting service provider and the relevant competent **authority**. For that purpose, Member States should ensure appropriate communication channels and mechanisms allowing the sharing of relevant information in a timely manner.

Amendment

(29) It is essential that the competent authority within the Member State responsible for imposing penalties is fully informed about the issuing of removal orders and subsequent exchanges between the hosting service provider and the relevant competent **authorities in other Member States**. For that purpose, Member States should ensure appropriate **and secure** communication channels and mechanisms allowing the sharing of relevant information in a timely manner.

Amendment 34

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Both hosting service providers and Member States should establish points of contact to facilitate the **swift** handling of removal orders **and referrals**. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and **referrals and** of technical and personal means allowing for the **swift** processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled within one hour from the receipt

Amendment

(33) Both hosting service providers and Member States should establish points of contact to facilitate the **expeditious** handling of removal orders. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and of technical and personal means allowing for the **expeditious** processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled within one hour from the receipt

of a removal order, hosting service providers should ensure that the point of contact is reachable 24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.

of a removal order, hosting service providers should ensure that the point of contact is reachable 24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.

Amendment 35

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) In the absence of a general requirement for service providers to ensure a physical presence within the territory of the Union, there is a need to ensure clarity under which Member State's jurisdiction the hosting service provider offering services within the Union falls. As a general rule, the hosting service provider falls under the jurisdiction of the Member State in which it has its main establishment or in which it has designated a legal representative. ***Nevertheless, where another Member State issues a removal order, its authorities should be able to enforce their orders by taking coercive measures of a non-punitive nature, such as penalty payments.*** With regards to a hosting service provider which has no establishment in the Union and does not designate a legal representative, any Member State should, nevertheless, be able to issue penalties, provided that the principle of ne bis in idem is respected.

Amendment

(34) In the absence of a general requirement for service providers to ensure a physical presence within the territory of the Union, there is a need to ensure clarity under which Member State's jurisdiction the hosting service provider offering services within the Union falls. As a general rule, the hosting service provider falls under the jurisdiction of the Member State in which it has its main establishment or in which it has designated a legal representative. With regards to a hosting service provider which has no establishment in the Union and does not designate a legal representative, any Member State should, nevertheless, be able to issue penalties, provided that the principle of ne bis in idem is respected.

Amendment 36

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Those hosting service providers which are not established in the Union, should designate in writing a legal representative in order to ensure the compliance with and enforcement of the obligations under this Regulation.

Amendment

(35) Those hosting service providers which are not established in the Union, should designate in writing a legal representative in order to ensure the compliance with and enforcement of the obligations under this Regulation. ***Hosting service providers may make use of an existing legal representative, provided that this legal representative is able to fulfil the functions as set out in this Regulation.***

Amendment 37

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) For the purposes of this Regulation, Member States should designate ***competent authorities***. ***The requirement to designate competent authorities does not necessarily require the establishment of new authorities but can be existing bodies*** tasked with the functions set out in this Regulation. This Regulation requires designating ***authorities*** competent for issuing removal orders, ***referrals*** and for overseeing ***proactive*** measures and for imposing penalties. ***It is for Member States to decide how many authorities they wish to designate for these tasks.***

Amendment

(37) For the purposes of this Regulation, Member States should designate ***a single judicial or functionally independent administrative authority***. ***This requirement does not necessitate the establishment of a new authority but can be an existing body*** tasked with the functions set out in this Regulation. This Regulation requires designating ***an authority*** competent for issuing removal orders, and for overseeing ***specific*** measures and for imposing penalties. Member States ***should communicate the competent authority designated under this Regulation to the Commission, which should publish online a compilation of the competent authority of each Member State. The online registry should be easily accessible to facilitate the swift verification of the authenticity of removal orders by the hosting service providers.***

Amendment 38

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Penalties are necessary to ensure the effective implementation by hosting service providers of the obligations pursuant to this Regulation. Member States should adopt rules on penalties, including, where appropriate, fining guidelines. ***Particularly severe*** penalties ***shall*** be ascertained in the event that the hosting service ***provider*** systematically fails to ***remove terrorist content or disable access to it within one hour from receipt of a removal order. Non-compliance in individual cases could be sanctioned while respecting the principles of ne bis in idem and of proportionality and ensuring that such sanctions take account of systematic failure. In order to ensure legal certainty, the regulation should set out to what extent the relevant obligations can be subject to penalties.*** Penalties for non-compliance with Article 6 should only be adopted in relation to obligations arising from a ***request to report pursuant to Article 6(2) or a decision imposing*** additional ***proactive*** measures pursuant to Article 6(4). When determining whether or not financial penalties should be imposed, due account should be taken of the financial resources of the provider. Member States ***shall*** ensure that penalties do not encourage the removal of content which is not terrorist content.

Amendment 39

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) Member States should collect

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Amendment

(38) Penalties are necessary to ensure the effective implementation by hosting service providers of the obligations pursuant to this Regulation. Member States should adopt rules on penalties, including, where appropriate, fining guidelines. Penalties ***should*** be ascertained in the event that the hosting service ***providers*** systematically ***and persistently fail to comply with their*** obligations ***under this Regulation.*** Penalties for non-compliance with Article 6 should only be adopted in relation to obligations arising from a ***request for the implementation of*** additional ***specific*** measures pursuant to Article 6(4). When determining whether or not financial penalties should be imposed, due account should be taken of the financial resources of the provider. ***Moreover, the competent authority should take into account whether the hosting service provider is a start-up or a small and medium sized business and should determine on a case-by-case basis if it had the ability to adequately comply with the issued order.*** Member States ***should*** ensure that penalties do not encourage the removal of content which is not terrorist content.

(41) Member States should collect

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information on the implementation of the legislation. A detailed programme for monitoring the outputs, results and impacts of this Regulation should be established in order to inform an evaluation of the legislation.

information on the implementation of the legislation ***including information on the number of cases of successful detection, investigation and prosecution of terrorist offences as a consequence of this Regulation***. A detailed programme for monitoring the outputs, results and impacts of this Regulation should be established in order to inform an evaluation of the legislation.

Amendment 40

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Based on the findings and conclusions in the implementation report and the outcome of the monitoring exercise, the Commission should carry out an evaluation of this Regulation ***no sooner than three*** years after its entry into force. The evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU added value. It ***will*** assess the functioning of the different operational and technical measures foreseen under the Regulation, including the effectiveness of measures to enhance the detection, identification and removal of terrorist content, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected rights ***and*** interests of third parties, including a review of the requirement to inform content providers.

Amendment

(42) Based on the findings and conclusions in the implementation report and the outcome of the monitoring exercise, the Commission should carry out an evaluation of this Regulation ***one year*** after its entry into force. The evaluation should be based on the five criteria of efficiency, ***necessity, proportionality,*** effectiveness, relevance, coherence and EU added value. It ***should*** assess the functioning of the different operational and technical measures foreseen under the Regulation, including the effectiveness of measures to enhance the detection, identification and removal of terrorist content, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected ***fundamental rights, including the freedom of expression and freedom to receive and impart information, the freedom and pluralism of the media, the freedom to conduct a business and the rights to privacy and the protection of personal data.*** ***The Commission should also assess the impact on potentially affected*** interests of third parties, including a review of the requirement to inform content providers.

Amendment 41

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation lays down uniform rules to **prevent** the misuse of hosting services for the dissemination of terrorist content online. It lays down in particular:

Amendment

1. This Regulation lays down **targeted** uniform rules to **tackle** the misuse of hosting services for the **public** dissemination of terrorist content online. It lays down in particular:

Amendment 42

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) rules on duties of care to be applied by hosting service providers in order to **prevent** the dissemination of terrorist content through their services and ensure, where necessary, its swift removal;

Amendment

(a) rules on **reasonable and proportionate** duties of care to be applied by hosting service providers in order to **tackle** the **public** dissemination of terrorist content through their services and ensure, where necessary, its swift removal;

Amendment 43

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) a set of measures to be put in place by Member States to identify terrorist content, to enable its swift removal by hosting service providers and to facilitate cooperation with the competent authorities in other Member States, hosting service providers and where appropriate relevant Union bodies.

Amendment

(b) a set of measures to be put in place by Member States to identify terrorist content, to enable its swift removal by hosting service providers **in accordance with Union law providing suitable safeguards for freedom of expression and the freedom to receive and impart information and ideas in an open and democratic society** and to facilitate cooperation with the competent authorities in other Member States, hosting service providers and where appropriate relevant Union bodies.

Amendment 44

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to hosting service providers offering services in the Union, irrespective of their place of main establishment.

Amendment

2. This Regulation shall apply to hosting service providers offering services in the Union **to the public**, irrespective of their place of main establishment.

Amendment 45

Proposal for a regulation Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This Regulation shall not apply to content which is disseminated for educational, artistic, journalistic or research purposes, or for awareness raising purposes against terrorist activity, nor to content which represents an expression of polemic or controversial views in the course of public debate.

Amendment 46

Proposal for a regulation Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. This Regulation shall not have the effect of modifying the obligation to respect the rights, freedoms and principles as referred to in Article 6 of the Treaty on the European Union, and shall apply without prejudice to fundamental principles in Union and national law relating to freedom of speech, freedom of the press and the freedom and pluralism of the media.

Amendment 47

Proposal for a regulation Article 1 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. This Regulation is without prejudice to Directive 2000/31/EC.

Amendment 48

Proposal for a regulation Article 2 – paragraph 1 – point -1 (new)

Text proposed by the Commission

Amendment

(-1) ‘information society services’ means the services as referred to in point (a) of Article 2 of Directive 2000/31/EC.

Amendment 49

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

Text proposed by the Commission

Amendment

(1) 'hosting service provider' means a provider of information society services consisting in the storage of information provided by and at the request of the content provider and in making the information stored available to **third parties**;

(1) 'hosting service provider' means a provider of information society services consisting in the storage of information provided by and at the request of the content provider and in making the information stored available to **the public**. **This applies only to services provided to the public at the application layer. Cloud infrastructure providers and cloud providers are not considered hosting service providers. It does not apply either to electronic communications services as defined in Directive (EU) 2018/1972;**

Amendment 50

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'content provider' means a user who has provided information that is, or that has been, stored at the request of the user by a hosting service provider;

Amendment

(2) 'content provider' means a user who has provided information that is, or that has been, stored **and made available to the public** at the request of the user by a hosting service provider;

Amendment 51

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) '**terrorist offences**' means offences as defined in Article 3(1) of Directive (EU) 2017/541;

Amendment

deleted

Amendment 52

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – introductory part

Text proposed by the Commission

(5) 'terrorist content' means one or more of the following **information**:

Amendment

(5) 'terrorist content' means one or more of the following **material**:

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Text proposed by the Commission

(a) inciting **or advocating, including by glorifying**, the commission of terrorist offences, thereby causing a danger that **such acts** be committed;

Amendment

(a) inciting **the commission of one of the offences listed in points (a) to (i) of Article 3(1) of Directive (EU) 2017/541, where such conduct, directly or indirectly, such as by the glorification of terrorist**

acts, advocates the commission of terrorist offences, thereby causing a danger that ***one or more such offences may*** be committed ***intentionally***;

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Text proposed by the Commission

(b) ***encouraging the contribution to terrorist*** offences;

Amendment

(b) ***soliciting another person or group of persons to commit or contribute to the commission of one of the offences listed in points (a) to (i) of Article 3(1) of Directive (EU) 2017/541, thereby causing a danger that one or more such offences may be committed intentionally***;

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Text proposed by the Commission

(c) ***promoting*** the activities of a terrorist group, ***in particular by encouraging the participation in or support to a terrorist group*** within the meaning of Article 2(3) of Directive (EU) 2017/541;

Amendment

(c) ***soliciting another person or group of persons to participate in*** the activities of a terrorist group, ***including by supplying information or material resources, or by funding its activities in any way*** within the meaning of Article 4 of Directive (EU) 2017/541, ***thereby causing a danger that one or more such offences may be committed intentionally***;

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point d

Text proposed by the Commission

(d) ***instructing on*** methods or techniques for the purpose of committing

Amendment

(d) ***providing instruction on the making or use of explosives, firearms or***

terrorist offences.

other weapons or noxious or hazardous substances, or on other specific methods or techniques for the purpose of committing or contributing to the commission of one of the terrorist offences listed in points (a) to (i) of Article 3(1) of Directive (EU) 2017/541;

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point d a (new)

Text proposed by the Commission

Amendment

(d a) depicting the commission of one or more of the offences listed in points (a) to (i) of Article 3 (1) of Directive (EU) 2017/541, and thereby causing a danger that one or more such offences may be committed intentionally;

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

(6) ‘dissemination of terrorist content’ means making terrorist content available to *third parties* on the hosting service providers’ services;

(6) ‘dissemination of terrorist content’ means making terrorist content available to *the public* on the hosting service providers’ services;

Amendment 59

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘referral’ means a notice by a competent authority or, where applicable, a relevant Union body to a hosting service provider about information that may be considered terrorist content, for the

deleted

provider's voluntary consideration of the compatibility with its own terms and conditions aimed to prevent dissemination of terrorism content;

Amendment 60

Proposal for a regulation Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9 a) ‘competent authority’ means a single designated judicial authority or functionally independent administrative authority in the Member State.

Amendment 61

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Hosting service providers shall **take appropriate, reasonable and proportionate actions** in accordance with this Regulation, **against the dissemination of terrorist content and** to protect users from terrorist content. **In doing so**, they shall **act** in a diligent, proportionate and non-discriminatory manner, and with due regard to the fundamental rights of the users and take into account the fundamental importance of the freedom of expression **and** information in an open and democratic society.

1. Hosting service providers shall **act** in accordance with this Regulation to protect users from terrorist content. They shall **do so** in a diligent, proportionate and non-discriminatory manner, and with due regard **in all circumstances** to the fundamental rights of the users and take into account the fundamental importance of the freedom of expression, **the freedom to receive and impart information and ideas** in an open and democratic society **and with a view to avoiding removal of content which is not terrorist.**

Amendment 62

Proposal for a regulation Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. These duties of care shall not amount to a general obligation on hosting service providers to monitor the information they transmit or store, nor to a general duty to actively seek facts or circumstances indicating illegal activity.

Amendment 63

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Hosting service providers shall include in their terms and conditions, and apply, provisions to prevent the dissemination of terrorist content.

deleted

Amendment 64

Proposal for a regulation Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where hosting service providers obtain knowledge or awareness of terrorist content on their services, they shall inform the competent authorities of such content and remove it expeditiously.

Amendment 65

Proposal for a regulation Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Hosting service providers who meet the criteria of the definition of video-sharing platforms providers under Directive (EU) 2018/1808 shall take

appropriate measures to tackle the dissemination of terrorist content in accordance with Article 28b, paragraph 1(c) and paragraph 3 of Directive (EU) 2018/1808.

Amendment 66

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 **of the Member State of main establishment of the hosting service provider** 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**.

Amendment 67

Proposal for a regulation Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The competent authority of a Member State where the hosting service provider does not have its main establishment or does not have a legal representative may request access to be disabled to terrorist content and enforce this request within its own territory.

Amendment 68

Proposal for a regulation Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. If the relevant competent authority has not previously issued a removal order to a hosting service provider it shall

contact the hosting service provider, providing information on procedures and applicable deadlines, at least 12 hours before issuing a removal order.

Amendment 69

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall remove terrorist content or disable access to it within one hour from receipt of the removal order.

Amendment

2. Hosting service providers shall remove terrorist content or disable access to it ***as soon as possible and*** within one hour from receipt of the removal order.

Amendment 70

Proposal for a regulation Article 4 – paragraph 3 – point a

Text proposed by the Commission

(a) identification of the competent authority issuing the removal order and authentication of the removal order by the competent authority;

Amendment

(a) identification of the competent authority ***via an electronic signature*** issuing the removal order and authentication of the removal order by the competent authority;

Amendment 71

Proposal for a regulation Article 4 – paragraph 3 – point b

Text proposed by the Commission

(b) a statement of reasons explaining why the content is considered terrorist content, ***at least, by*** reference to the categories of terrorist content listed in Article 2(5);

Amendment

(b) a ***detailed*** statement of reasons explaining why the content is considered terrorist content ***and a specific*** reference to the categories of terrorist content listed in Article 2(5);

Amendment 72

Proposal for a regulation

Article 4 – paragraph 3 – point c

Text proposed by the Commission

(c) **a** Uniform Resource Locator (URL) and, where necessary, additional information enabling the identification of the content referred;

Amendment

(c) **an exact** Uniform Resource Locator (URL) and, where necessary, additional information enabling the identification of the content referred;

Amendment 73

Proposal for a regulation

Article 4 – paragraph 3 – point f

Text proposed by the Commission

(f) information about redress available to the hosting service provider and to the content provider;

Amendment

(f) **easily understandable** information about redress available to the hosting service provider and to the content provider, **including redress with the competent authority as well as recourse to a court as well as deadlines for appeal**;

Amendment 74

Proposal for a regulation

Article 4 – paragraph 3 – point g

Text proposed by the Commission

(g) where **relevant**, the decision not to disclose information about the removal of terrorist content or the disabling of access to it referred to in Article 11.

Amendment

(g) where **necessary and proportionate**, the decision not to disclose information about the removal of terrorist content or the disabling of access to it referred to in Article 11.

Amendment 75

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Upon request by the hosting service provider or by the content provider, the competent authority shall provide a detailed statement of reasons, without prejudice to the obligation of the hosting service provider to comply with the removal order within the deadline set out in paragraph 2.

deleted

Amendment 76
Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. The competent **authorities** shall address removal orders to the main establishment of the hosting service provider or to the legal representative designated by the hosting service provider pursuant to Article 16 and transmit it to the point of contact referred to in Article 14(1). Such orders shall be sent by electronic means capable of producing a written record under conditions allowing to establish the authentication of the sender, including the accuracy of the date and the time of sending and receipt of the order.

5. The competent **authority** shall address removal orders to the main establishment of the hosting service provider or to the legal representative designated by the hosting service provider pursuant to Article 16 and transmit it to the point of contact referred to in Article 14(1). Such orders shall be sent by electronic means capable of producing a written record under conditions allowing to establish the authentication of the sender, including the accuracy of the date and the time of sending and receipt of the order.

Amendment 77

Proposal for a regulation
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. Hosting service providers shall **acknowledge receipt and**, without undue delay, inform the competent authority about the removal of terrorist content or disabling access to it, indicating, in particular, the time of action, using the

6. Hosting service providers shall inform, without undue delay the competent authority about the removal of terrorist content or disabling access to it, indicating, in particular, the time of action, using the template set out in Annex II.

template set out in Annex II.

Amendment 78

Proposal for a regulation Article 4 – paragraph 7

Text proposed by the Commission

7. If the hosting service provider cannot comply with the removal order because of force majeure or of de facto impossibility not attributable to the hosting service provider, it shall inform, without undue delay, the competent authority, explaining the reasons, using the template set out in Annex III. The deadline set out in paragraph 2 shall apply as soon as the reasons invoked are no longer present.

Amendment

7. If the hosting service provider cannot comply with the removal order because of force majeure or of de facto impossibility not attributable to the hosting service provider, ***including for technical or operational reasons***, it shall inform, without undue delay, the competent authority, explaining the reasons, using the template set out in Annex III. The deadline set out in paragraph 2 shall apply as soon as the reasons invoked are no longer present.

Amendment 79

Proposal for a regulation Article 4 – paragraph 8

Text proposed by the Commission

8. ***If the*** hosting service provider ***cannot comply with*** the removal order ***because*** the removal order contains manifest errors or does not contain sufficient information ***to execute the order***, ***it*** shall inform the competent authority without undue delay, asking for the necessary clarification, using the template set out in Annex III. The deadline set out in paragraph 2 shall apply as soon as the clarification is provided.

Amendment

8. ***The*** hosting service provider ***may refuse to execute*** the removal order ***if*** the removal order contains manifest errors or does not contain sufficient information. ***It*** shall inform the competent authority without undue delay, asking for the necessary clarification, using the template set out in Annex III. The deadline set out in paragraph 2 shall apply as soon as the clarification is provided. .

Amendment 80

Proposal for a regulation Article 4 – paragraph 9

Text proposed by the Commission

9. The competent authority which issued the removal order shall inform the competent authority which oversees the implementation of **proactive** measures, referred to in Article 17(1)(c) when the removal order becomes final. A removal order becomes final where it has not been appealed within the deadline according to the applicable national law or where it has been confirmed following an appeal.

Amendment 81

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

9. The competent authority which issued the removal order shall inform the competent authority which oversees the implementation of **specific** measures, referred to in Article 17(1)(c) when the removal order becomes final. A removal order becomes final where it has not been appealed within the deadline according to the applicable national law or where it has been confirmed following an appeal.

Amendment

Article 4 a

Consultation procedure for removal orders

1. The competent authority which issues a removal order under Article 4(1a) shall submit a copy of the removal order to the competent authority referred to in Article 17(1)(a) 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. The issuing authority shall take these circumstances into account and shall, where necessary, withdraw or adapt the removal order.

Amendment 82

Proposal for a regulation Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4 b

Cooperation procedure for issuing an additional removal order

- 1. Where a competent authority has issued a removal order under Article 4(1a), that authority may contact the competent authority of the Member State where the hosting service provider has its main establishment in order to request that the latter competent authority also issue a removal order under Article 4(1).*
- 2. The competent authority in the Member State where the main establishment of the hosting service provider is located shall either issue a removal order or refuse to issue an order as soon as possible but no later than one hour of being contacted under paragraph 1 and shall inform the competent authority that issued the first order of its decision.*
- 3. In cases where the competent authority in the Member State of main establishment needs more than one hour to make its own assessment of the content, it shall send a request to the hosting service provider concerned to disable temporarily the access to the content for up to 24 hours, during which time the competent authority shall make the assessment and send the removal order or withdraw the request to disable the access.*

Amendment 83

Proposal for a regulation Article 5

Article 5

deleted

Referrals

- 1. The competent authority or the relevant Union body may send a referral to a hosting service provider.**
- 2. Hosting service providers shall put in place operational and technical measures facilitating the expeditious assessment of content that has been sent by competent authorities and, where applicable, relevant Union bodies for their voluntary consideration.**
- 3. The referral shall be addressed to the main establishment of the hosting service provider or to the legal representative designated by the service provider pursuant to Article 16 and transmitted to the point of contact referred to in Article 14(1). Such referrals shall be sent by electronic means.**
- 4. The referral shall contain sufficiently detailed information, including the reasons why the content is considered terrorist content, a URL and, where necessary, additional information enabling the identification of the terrorist content referred.**
- 5. The hosting service provider shall, as a matter of priority, assess the content identified in the referral against its own terms and conditions and decide whether to remove that content or to disable access to it.**
- 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.**
- 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 84

Proposal for a regulation Article 6 – title

Text proposed by the Commission

Amendment

Proactive measures

Specific measures

Amendment 85

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. *Without prejudice to Directive (EU) 2018/1808 and Directive 2000/31/EC* hosting service providers *may take specific* measures to protect their services against the *public* dissemination of terrorist content. The measures shall be effective, *targeted* and proportionate, *paying particular attention to* the risk and level of exposure to terrorist content, the fundamental rights of the users, and the fundamental importance of the *right to* freedom of expression and *the freedom to receive and impart* information *and ideas* in an open and democratic society.

Amendment 86

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

Text proposed by the Commission

Amendment

Where it has been informed according to Article 4(9), the competent authority

deleted

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:

(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;

(b) detecting, identifying and expeditiously removing or disabling access to terrorist content.

Such a request shall be sent to the main establishment of the hosting service provider or to the legal representative designated by the service provider.

The reports shall include all relevant information allowing the competent authority referred to in Article 17(1)(c) to assess whether the proactive measures are effective and proportionate, including to evaluate the functioning of any automated tools used as well as the human oversight and verification mechanisms employed.

Amendment 87

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the competent authority referred to in Article 17(1)(c) considers that the proactive measures taken and reported under paragraph 2 are insufficient in mitigating and managing the risk and level of exposure, it may request the hosting service provider to take specific additional proactive measures. For that purpose, the hosting service provider shall cooperate with the competent authority referred to in Article

deleted

17(1)(c) with a view to identifying the specific measures that the hosting service provider shall put in place, establishing key objectives and benchmarks as well as timelines for their implementation.

Amendment 88

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. *Where no agreement can be reached within the three months from the request pursuant to paragraph 3*, the competent authority referred to in Article 17(1)(c) may *issue a decision imposing specific additional* necessary *and* proportionate *proactive* measures. The decision shall take into account, in particular, the economic capacity of the hosting service provider and the effect of such measures on the fundamental rights of the users and the fundamental importance of the freedom of expression and information. Such a decision shall be sent to the main establishment of the hosting service provider or to the legal representative designated by the service provider. The hosting service provider shall regularly report on the implementation of such measures as specified by the competent authority referred to in Article 17(1)(c).

Amendment

4. *After establishing that a hosting service provider has received a substantial number of removal orders*, the competent authority referred to in Article 17(1)(c) may *send a request for* necessary, proportionate *and effective additional specific* measures *that the hosting service provider will have to implement. The competent authority shall not impose a general monitoring obligation, nor the use of automated tools.* The *request* shall take into account, in particular, the *technical feasibility of the measures, the size and* economic capacity of the hosting service provider and the effect of such measures on 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.* Such a *request* shall be sent to the main establishment of the hosting service provider or to the legal representative designated by the service provider. The hosting service provider shall regularly report on the implementation of such measures as specified by the competent authority referred to in Article 17(1)(c).

Amendment 89

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

5. A hosting service provider may, at any time, request the competent authority referred to in Article 17(1)(c) a review and, where appropriate, to revoke a request or decision pursuant to paragraphs **2, 3, and 4 respectively**. The competent authority shall provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

Amendment

5. A hosting service provider may, at any time, request the competent authority referred to in Article 17(1)(c) a review and, where appropriate, to revoke a request pursuant to **paragraph 4**. The competent authority shall provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

Amendment 90

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Hosting service providers shall preserve terrorist content which has been removed or disabled as a result of a removal order, **a referral** or as a result of **proactive** measures pursuant to Articles 4, 5 and 6 and related data removed as a consequence of the removal of the terrorist content and which is necessary for:

Amendment

1. Hosting service providers shall preserve terrorist content which has been removed or disabled as a result of a removal order, or as a result of **specific** measures pursuant to Articles 4 and 6 and related data removed as a consequence of the removal of the terrorist content and which is necessary for:

Amendment 91

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) proceedings of administrative **or** judicial review,

Amendment

(a) proceedings of administrative, judicial review, **or remedy**

Amendment 92

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the prevention, detection, investigation and prosecution of terrorist offences.

Amendment

(b) the prevention, detection, investigation and prosecution **by law enforcement authorities** of terrorist offences.

Amendment 93

**Proposal for a regulation
Article 7 – paragraph 2**

Text proposed by the Commission

2. The terrorist content and related data referred to in paragraph 1 shall be preserved for six months. The terrorist content shall, upon request from the competent authority or court, be preserved for a **longer** period **when** and for as long as necessary for ongoing proceedings of administrative **or** judicial review referred to in paragraph 1(a).

Amendment

2. The terrorist content and related data referred to in paragraph 1 **(a)** shall be preserved for six months **and deleted after this period**. The terrorist content shall, upon request from the competent authority or court, be preserved for a **further specified** period **only if**, and for as long as necessary for ongoing proceedings of administrative, judicial review **or remedies** referred to in paragraph 1(a). **Hosting service providers shall preserve the terrorist content and related data referred to in paragraph 1(b) until the law enforcement authority reacts to the notification made by the hosting service provider in accordance with Article 13(4) but no later than six months.**

**Amendment 94
Proposal for a regulation
Article 8 – title**

Text proposed by the Commission

Transparency obligations

Amendment

Transparency obligations **for hosting service providers**

Amendment 95

**Proposal for a regulation
Article 8 – paragraph 1**

Text proposed by the Commission

1. Hosting service providers shall set out in their terms and conditions their policy to prevent the dissemination of terrorist content, including, where **appropriate**, a meaningful explanation of the functioning of **proactive** measures **including the use of automated tools**.

Amendment 96

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall **publish** annual transparency reports on action taken against the dissemination of terrorist content.

Amendment 97

Proposal for a regulation
Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) information about the hosting service provider's measures to prevent 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;

Amendment 98

Proposal for a regulation
Article 8 – paragraph 3 – point c

Amendment

1. **Where applicable**, hosting service providers shall set out **clearly** in their terms and conditions their policy to prevent the dissemination of terrorist content, including, where **applicable**, a meaningful explanation of the functioning of **specific** measures.

Amendment

2. Hosting service providers **which are or have been subject to removal orders in that year**, shall **make publicly available** annual transparency reports on action taken against the dissemination of terrorist content.

Amendment

(b) information about the hosting service provider's measures to prevent 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, **in particular where automated technology has been used**;

Text proposed by the Commission

(c) number of pieces of terrorist content removed or to which access has been disabled, following removal orders, ***referrals, or proactive*** measures, respectively;

Amendment

(c) number of pieces of terrorist content removed or to which access has been disabled, following removal orders, ***or specific*** measures, respectively, ***and the number of orders where the content has not been removed in accordance with Article 4(7) and (8) together with reasons for refusal.***

Amendment 99

Proposal for a regulation

Article 8 – paragraph 3 – point d

Text proposed by the Commission

(d) ***overview*** and outcome of complaint procedures.

Amendment

(d) ***number*** and outcome of complaint procedures ***and actions for judicial review, including the number of cases in which it was established that content was wrongly identified as terrorist content.***

Amendment 100

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Transparency obligations for competent authorities

1. Competent authorities shall publish annual transparency reports that shall include at least the following information:

(a) number of removal orders issued, the number of removals and the number of refused or ignored removal orders;

(b) number of identified terrorist content which led to investigation and prosecution and the number of cases of content wrongly identified as terrorist;

(c) a description of measures requested by the competent authorities pursuant to Article 6 (4).

Amendment 101

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Safeguards regarding the use and implementation of **proactive** measures

Amendment

Safeguards regarding the use and implementation of **specific** measures

Amendment 102

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Where hosting service providers use automated tools **pursuant to this Regulation** in respect of content that they store, they shall provide effective and appropriate safeguards to ensure that decisions taken concerning that content, in particular decisions to remove or disable content considered to be terrorist content, are accurate and well-founded.

Amendment

1. Where hosting service providers use automated tools in respect of content that they store, they shall provide effective and appropriate safeguards to ensure that decisions taken concerning that content, in particular decisions to remove or disable **access to** content considered to be terrorist content, are accurate and well-founded.

Amendment 103

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Safeguards shall consist, in particular, of human oversight and verifications **where appropriate and, in any event, where a detailed assessment of the relevant context is required in order to determine whether or not the content is to be considered terrorist content.**

Amendment

2. Safeguards shall consist, in particular, of human oversight and verifications, **of the appropriateness of the decision to remove or deny access to content, in particular with regard to the right to freedom of expression and freedom to receive and impart information and ideas in an open and**

democratic society.

Amendment 104

Proposal for a regulation Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Effective remedies

1. Content providers, whose content has been removed or access to which has been disabled following a removal order, and hosting service providers that have received a removal order, shall have a right to an effective remedy. Member States shall put in place effective procedures for exercising this right.

Amendment 105

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Hosting service providers shall establish effective and accessible mechanisms allowing content providers whose content has been removed or access to it disabled as a result of ***a referral pursuant to Article 5 or of proactive*** measures pursuant to Article 6, to submit a complaint against the action of the hosting service provider requesting reinstatement of the content.

1. Hosting service providers shall establish ***an*** effective and accessible mechanism allowing content providers whose content has been removed or access to it disabled as a result of ***specific*** measures pursuant to Article 6, to submit a complaint against the action of the hosting service provider requesting reinstatement of the content.

Amendment 106

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall promptly examine every complaint that they receive and reinstate the content without undue delay where the removal or disabling of access was unjustified. They shall inform the complainant about the outcome of the examination.

Amendment

2. Hosting service providers shall promptly examine every complaint that they receive and reinstate the content without undue delay where the removal or disabling of access was unjustified. They shall inform the complainant about the outcome of the examination ***within two weeks of the receipt of the complaint with an explanation in cases where the hosting service provider decides not to reinstate the content. A reinstatement of content shall not preclude further judicial measures against the decision of the hosting service provider or of the competent authority.***

Amendment 107

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

1. Where hosting service providers ***removed*** terrorist content or disable access to it, they shall make available to the content provider information on the removal or disabling of access to terrorist content.

Amendment

1. Where hosting service providers ***remove*** terrorist content or disable access to it, they shall make available to the content provider ***comprehensive and concise*** information on the removal or disabling of access to terrorist content ***and the possibilities to contest the decision, and shall provide him or her with a copy of the removal order issued in accordance with Article 4 upon request.***

Amendment 108

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. ***Upon request of the content provider, the hosting service provider shall inform the content provider about***

Amendment

deleted

the reasons for the removal or disabling of access and possibilities to contest the decision.

Amendment 109

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The obligation pursuant to **paragraphs 1 and 2** shall not apply where the competent authority decides that there should be no disclosure for reasons of public security, such as the prevention, investigation, detection and prosecution of terrorist offences, for as long as necessary, but not exceeding **[four]** weeks from that decision. In such a case, the hosting service provider shall not disclose any information on the removal or disabling of access to terrorist content.

Amendment

3. The obligation pursuant to **paragraph 1** shall not apply where the competent authority decides **based on objective evidence and considering the proportionality and necessity of such decision**, that there should be no disclosure for reasons of public security, such as the prevention, investigation, detection and prosecution of terrorist offences, for as long as necessary, but not exceeding four weeks from that decision. In such a case, the hosting service provider shall not disclose any information on the removal or disabling of access to terrorist content.

Amendment 110

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Member States shall ensure that their competent authorities have the necessary capability and sufficient resources to achieve the aims and fulfil their obligations under this Regulation.

Amendment

Member States shall ensure that their competent authorities have the necessary capability and sufficient resources to achieve the aims and fulfil their obligations under this Regulation, **with strong guarantees of independence.**

Amendment 111

Proposal for a regulation Article 13 – title

Text proposed by the Commission

Cooperation between hosting service providers, competent authorities and where appropriate **relevant** Union bodies

Amendment

Cooperation between hosting service providers, competent authorities and where appropriate **competent** Union bodies

Amendment 112

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Competent authorities in Member States shall inform, coordinate and cooperate with each other and, where appropriate, with **relevant Union bodies such as** Europol with regard to removal orders **and referrals** to avoid duplication, enhance coordination and avoid interference with investigations in different Member States.

Amendment

1. Competent authorities in Member States shall inform, coordinate and cooperate with each other and, where appropriate, with Europol with regard to removal orders to avoid duplication, enhance coordination and avoid interference with investigations in different Member States.

Amendment 113

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Competent authorities in Member States shall inform, coordinate and cooperate with the competent authority referred to in Article 17(1)(c) and (d) with regard to measures taken pursuant to Article 6 and enforcement actions pursuant to Article 18. Member States shall make sure that the competent authority referred to in Article 17(1)(c) and (d) is in possession of all the relevant information. For that purpose, Member States shall provide for the appropriate communication channels or mechanisms to ensure that the relevant information is shared in a timely manner.

Amendment

2. Competent authorities in Member States shall inform, coordinate and cooperate with the competent authority referred to in Article 17(1)(c) and (d) with regard to measures taken pursuant to Article 6 and enforcement actions pursuant to Article 18. Member States shall make sure that the competent authority referred to in Article 17(1)(c) and (d) is in possession of all the relevant information. For that purpose, Member States shall provide for the appropriate **and secure** communication channels or mechanisms to ensure that the relevant information is shared in a timely manner.

Amendment 114

Proposal for a regulation

Article 13 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States **and hosting service providers may choose to** make use of dedicated tools, including, **where appropriate**, those established by **relevant Union bodies such as** Europol, to facilitate in particular:

Amendment

3. Member States **may** make use of dedicated tools, including those established by Europol, to facilitate in particular:

Amendment 115

Proposal for a regulation

Article 13 – paragraph 3 – point b

Text proposed by the Commission

(b) the processing and feedback relating to referrals pursuant to Article 5;

Amendment

deleted

Amendment 116

Proposal for a regulation

Article 13 – paragraph 3 – point c

Text proposed by the Commission

(c) co-operation with a view to identify and implement **proactive** measures pursuant to Article 6.

Amendment

(c) co-operation with a view to identify and implement **specific** measures pursuant to Article 6.

Amendment 117

Proposal for a regulation

Article 13 – paragraph 4

Text proposed by the Commission

4. Where hosting service providers become aware of **any evidence of** terrorist

Amendment

4. Where hosting service providers become aware of terrorist **content** they

offences, they shall promptly inform authorities competent for the investigation and prosecution in criminal offences in the concerned Member State *or* the point of contact in the Member State pursuant to Article 14(2), where they have their main establishment or a legal representative. ***Hosting service providers may, in case of doubt***, transmit this information to Europol for appropriate follow up.

shall promptly inform authorities competent for the investigation and prosecution in criminal offences in the concerned Member State. ***Where it is impossible to identify the Member State concerned, the hosting service provider shall notify*** the point of contact in the Member State pursuant to Article 17(2), where they have their main establishment or a legal representative ***and also*** transmit this information to Europol for appropriate follow up.

Amendment 118

Proposal for a regulation Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Hosting service providers shall cooperate with competent authorities.

Amendment 119

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Hosting service providers shall establish a point of contact allowing for the receipt of removal orders ***and referrals*** by electronic means and ensure their ***swift*** processing pursuant to Articles 4 ***and 5***. They shall ensure that this information is made publicly available.

1. Hosting service providers ***previously in receipt of one or more removal orders*** shall establish a point of contact allowing for the receipt of removal orders by electronic means and ensure their ***expeditious*** processing pursuant to Articles 4. They shall ensure that this information is made publicly available.

Amendment 120

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. The information referred to in paragraph 1 shall specify the official language or languages (s) of the Union, as referred to in Regulation 1/58, in which the contact point can be addressed and in which further exchanges in relation to removal orders **and referrals** pursuant to **Articles 4 and 5** shall take place. This shall include at least one of the official languages of the Member State in which the hosting service provider has its main establishment or where its legal representative pursuant to Article 16 resides or is established.

Amendment

2. The information referred to in paragraph 1 shall specify the official language or languages (s) of the Union, as referred to in Regulation 1/58, in which the contact point can be addressed and in which further exchanges in relation to removal orders pursuant to **Article 4** shall take place. This shall include at least one of the official languages of the Member State in which the hosting service provider has its main establishment or where its legal representative pursuant to Article 16 resides or is established.

Amendment 121

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. **Member States shall establish a point of contact to handle requests for clarification and feedback in relation to removal orders and referrals issued by them. Information about the contact point shall be made publicly available.**

Amendment

deleted

Amendment 122

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. Where a hosting service provider fails to designate a legal representative, all Member States shall have jurisdiction.

Amendment

2. Where a hosting service provider **which does not have its main establishment within one of the Member States** fails to designate a legal representative, all Member States shall have jurisdiction. **Where a Member State decides to exercise this jurisdiction, it**

shall inform all other Member States.

Amendment 123

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Where an authority of another Member State has issued a removal order according to Article 4(1), that Member State has jurisdiction to take coercive measures according to its national law in order to enforce the removal order.

deleted

Amendment 124

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. A hosting service provider which does not have an establishment in the Union but offers services in the Union, shall designate, in writing, a legal or natural person as its legal representative in the Union for the receipt of, compliance with and enforcement of removal orders, **referrals**, requests **and decisions** issued by the competent authorities on the basis of this Regulation. The legal representative shall reside or be established in one of the Member States where the hosting service provider offers the services.

1. A hosting service provider which does not have an establishment in the Union but offers services in the Union, shall designate, in writing, a legal or natural person as its legal representative in the Union for the receipt of, compliance with and enforcement of removal orders and requests issued by the competent authorities on the basis of this Regulation. The legal representative shall reside or be established in one of the Member States where the hosting service provider offers the services.

Amendment 125

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. The hosting service provider shall entrust the legal representative with the

2. The hosting service provider shall entrust the legal representative with the

receipt, compliance and enforcement of the removal orders, *referrals*, requests *and decisions* referred to in paragraph 1 on behalf of the hosting service provider concerned. Hosting service providers shall provide their legal representative with the necessary powers and *resource* to cooperate with the competent authorities and comply with these decisions and orders.

receipt, compliance and enforcement of the removal orders and requests referred to in paragraph 1 on behalf of the hosting service provider concerned. Hosting service providers shall provide their legal representative with the necessary powers and *resources* to cooperate with the competent authorities and comply with these decisions and orders.

Amendment 126

Proposal for a regulation

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall designate *the* authority *or authorities* competent to

Amendment

1. Each Member State shall designate *a judicial or a functionally independent administrative* authority competent to

Amendment 127

Proposal for a regulation

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) detect, identify and refer terrorist content to hosting service providers pursuant to Article 5;

Amendment

deleted

Amendment 128

Proposal for a regulation

Article 17 – paragraph 1 – point c

Text proposed by the Commission

(c) oversee the implementation of *proactive* measures pursuant to Article 6;

Amendment

(c) oversee the implementation of *specific* measures pursuant to Article 6;

Amendment 129

Proposal for a regulation Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall designate a point of contact within the competent authorities to handle requests for clarification and feedback in relation to removal orders issued by them. Information on the contact point shall be made publicly available.

Amendment 130

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. By [six months after the entry into force of this Regulation] at the latest Member States shall notify the Commission of the competent authorities referred to in paragraph 1. The Commission shall publish the notification and any modifications of it in the Official Journal of the European Union.

2. By [six months after the entry into force of this Regulation] at the latest Member States shall notify the Commission of the competent authorities referred to in paragraph 1. The Commission shall **set up an online register listing all those competent authorities and the designated contact point for each competent authority. The Commission shall** publish the notification and any modifications of it in the Official Journal of the European Union.

Amendment 131

Proposal for a regulation Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall lay down the rules on penalties applicable to breaches of the obligations by hosting service providers under this Regulation and shall take all necessary measures to ensure that they are

1. Member States shall lay down the rules on penalties applicable to **systematic and persistent** breaches of the obligations by hosting service providers under this Regulation and shall take all necessary

implemented. Such penalties shall be limited to infringement of the obligations pursuant to:

measures to ensure that they are implemented. Such penalties shall be limited to infringement of the obligations pursuant to:

Amendment 132

Proposal for a regulation Article 18 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) Article 3(2) (hosting service providers' terms and conditions);

deleted

Amendment 133

Proposal for a regulation Article 18 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) Article 5(5) and (6) (assessment of and feedback on referrals);

deleted

Amendment 134

Proposal for a regulation Article 18 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) Article 6(2) and (4) (reports on *proactive* measures and the adoption of measures following a *decision* imposing specific *proactive* measures);

(d) Article 6(4) (reports on *specific* measures and the adoption of measures following a *request* imposing *additional specific* measures);

Amendment 135

Proposal for a regulation Article 18 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) Article 8 (transparency);

(f) Article 8 (transparency **for hosting service providers**)

Amendment 136

Proposal for a regulation

Article 18 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) Article 9 (safeguards **in relation to proactive** measures);

(g) Article 9 (safeguards **with regard to the implementation of specific** measures);

Amendment 137

Proposal for a regulation

Article 18 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) Article 13 (4) (information on **evidence of** terrorist **offences**);

(j) Article 13 (4) (information on terrorist **content**);

Amendment 138

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The penalties **provided for** shall be effective, proportionate and dissuasive. Member States shall, by [within six months from the entry into force of this Regulation] at the latest, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

2. The penalties **pursuant to paragraph 1** shall be effective, proportionate and dissuasive. Member States shall, by [within six months from the entry into force of this Regulation] at the latest, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment 139

Proposal for a regulation Article 18 – paragraph 3 – point e

Text proposed by the Commission

(e) the level of cooperation of the hosting service provider with the competent authorities.

Amendment

(e) the level of cooperation of the hosting service provider with the competent authorities;

Amendment 140

Proposal for a regulation Article 18 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the nature and size of the hosting service providers, in particular for microenterprises or small-sized enterprises within the meaning of Commission Recommendation 2003/361/EC.

Amendment 141

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that a systematic failure to comply with obligations pursuant to Article 4(2) is subject to financial penalties of up to 4% of the hosting service provider's global turnover of the last business year.

Amendment

4. Member States shall ensure that a systematic ***and persistent*** failure to comply with obligations pursuant to Article 4(2) is subject to financial penalties of up to 4% of the hosting service provider's global turnover of the last business year.

Amendment 142

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Amendment

Technical requirements and amendments to the templates for removal orders

Technical requirements, *criteria for assessing significance*, and amendments to the templates for removal orders

Amendment 143

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 in order to supplement this Regulation with technical requirements for the electronic means to be used by competent authorities for the transmission of removal orders.

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 in order to supplement this Regulation with *the necessary* technical requirements for the electronic means to be used by competent authorities for the transmission of removal orders.

Amendment 144

Proposal for a regulation Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 in order to complement this Regulation with criteria and figures to be used by competent authorities for determining what corresponds to a significant number of uncontested removal orders as referred to in this Regulation.

Amendment 145

Proposal for a regulation Article 21 – paragraph 1 – point a

Text proposed by the Commission

(a) information about the number of removal orders *and referrals* issued, the

Amendment

(a) information about the number of removal orders issued, the number of

number of pieces of terrorist content which has been removed or access to it disabled, including the corresponding timeframes pursuant to Articles 4 *and* 5;

pieces of terrorist content which has been removed or access to it disabled, including the corresponding timeframes pursuant to Article 4, *and information on the number of corresponding cases of successful detection, investigation and prosecution of terrorist offences*;

Amendment 146

Proposal for a regulation Article 21 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) information about the number of access requests issued by competent authorities regarding content preserved by hosting service providers pursuant to Article 7;

Amendment 147

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

Amendment

No sooner than [three years from the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and submit a report to the European Parliament and to the Council on the application of this Regulation including the functioning *of* the effectiveness of the safeguard mechanisms. Where appropriate, the report shall be accompanied by legislative proposals. Member States shall provide the Commission with the information necessary for the preparation of the report.

One year from the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and submit a report to the European Parliament and to the Council on the application of this Regulation including the functioning *and* effectiveness of the safeguard mechanisms, *as well as the impact on Fundamental Rights, and in particular on freedom of expression, freedom to receive and impart information and the right to respect for one's private life. In the context of this evaluation, the Commission shall also report on the necessity, the feasibility and the effectiveness of creating a European Platform on Terrorist Content Online, which would allow all Member States to use one secure communication channel to*

send removal orders for terrorist content to hosting service providers. Where appropriate, the report shall be accompanied by legislative proposals. Member States shall provide the Commission with the information necessary for the preparation of the report.

Amendment 148

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from [6 months after its entry into force].

It shall apply from [12 months after its entry into force].

Amendment 149

Proposal for a regulation Annex I – section B – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

[] incites, *advocates or glorifies* the commission of terrorist offences (Article 2 (5) a)

[] incites the commission of terrorist offences *listed in points (a) to (i) of Article 3 (1) of Directive (EU) 2017/541* (Article 2 (5) a);

Amendment 150

Proposal for a regulation Annex I – section B – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

[] *encourages the contribution to* terrorist offences (Article 2 (5) b)

[] *solicits another person or group of persons to commit or contribute to the commission of* terrorist offences *listed in points (a) to (i) of Article 3 (1) of Directive (EU) 2017/541* (Article 2 (5) b);

Amendment 151

Proposal for a regulation

Annex I – section B – paragraph 3 – subparagraph 3

Text proposed by the Commission

[] *promotes* the activities of a terrorist group, *encouraging participation in or support of the* group (Article 2 (5) c)

Amendment

[] *solicits another person or group of persons to participate in* the activities of a terrorist group *listed in points (a) to (i) of Article 3 (1) of Directive (EU) 2017/541* (Article 2 (5) c);

Amendment 152

Proposal for a regulation

Annex I – section B – paragraph 3 – subparagraph 4

Text proposed by the Commission

[] provides instructions or techniques for committing terrorist offences (Article 2 (5) d)

Amendment

[] provides instructions *or techniques on the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or on other specific methods* or techniques for committing terrorist offences *listed in points (a) to (i) of Article 3 (1) of Directive (EU) 2017/541* (Article 2 (5) d);

Amendment 153

Proposal for a regulation

Annex I – section B – paragraph 3 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

[] *depicting the commission of offences listed in points (a) to (i) of Article 3 (1) of Directive (EU) 2017/541 (Article 2(5)e).*

Amendment 154

Proposal for a regulation

Annex I – section G – paragraph 1

Text proposed by the Commission

Information about competent body or court, deadlines and procedures for contesting the removal order:

Amendment

Information about competent body or court, deadlines and procedures ***including formal requirements*** for contesting the removal order:

Amendment 155

Proposal for a regulation

Annex III – section B – point i – paragraph 1

Text proposed by the Commission

[] force majeure or de facto impossibility not attributable to the addressee or the service provider

Amendment

[] force majeure or de facto impossibility not attributable to the addressee or the service provider, ***including for technical or operational reasons***

13.3.2019

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

Rapporteur for opinion (*): Julie Ward

(*): Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

On 12 September 2018, the Commission (EC) published its proposal to tackle the dissemination of terrorist content online by setting up a clear and harmonised legal framework to prevent the misuse of hosting services.

The Rapporteur takes note of this proposal which seeks to clarify the legal responsibilities of hosting service providers, which must take all appropriate, reasonable and proportionate actions necessary to ensure the safety of their services and to swiftly and effectively detect and remove terrorist content online.

The Rapporteur is concerned by several aspects of the EC's approach in particular with regard to the degree of respect given to fundamental rights, such as freedom of expression and access to information, as well as media pluralism. The proposal as it stands also poses several legal problems with existing norms, in particular with regard to its consistency with Directive

2000/31/EC¹ and with Directive 2018/1808/ EU².

The Rapporteur considers it crucial that the proposed Regulation does not jeopardise nor derogate from fundamental rights and the EU existing legal framework. In order to address these concerns, the Rapporteur suggests a series of amendments which aim to clarify legally some of the issues at stake.

The main points of the draft opinion:

(i) Definitions (Article 2)

- Hosting services providers

The proposed definition of 'hosting services providers' is too broad and legally unclear, and may unintentionally cover a significant number of providers, which should not fall within the scope of this Regulation. The Rapporteur suggests narrowing down the definition to exclusively cover hosting providers that enable their users to make content available to the general public.

- Terrorist content

Equally, the proposed definition of 'terrorist content' should be further clarified. The Rapporteur suggests aligning the proposed definition with Directive 2017/541/EU, as well as to explicitly exclude all material used for educational, journalistic and research purposes.

(ii) Removal orders (Article 4)

- Competent authorities

Paragraph 1 requires that the competent authority has the power to issue a decision requiring the hosting service provider to remove terrorist content or disable access to it. The Rapporteur considers that only judicial authorities, which have sufficient expertise to issue a valid removal order, should be empowered to take such decisions.

- Deadline to comply with removal orders

Paragraph 2 requires that hosting service providers remove terrorist content or disable access

¹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), *OJ L 178, 17.7.2000, p. 1–16*

² Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, *OJ L 303, 28.11.2018, p. 69–92*

to it within one hour of receipt of the removal order. Although providers should act as soon as possible to remove or disable access to terrorist content, one hour seems to be a too short period of time to comply with a removal order. Most providers, in particular SMEs, do not have the adequate resources to do so within that timeframe. Such a short deadline, along with the severe penalties imposed on providers in Article 18, in case of no compliance, also implies that parties affected by removal orders would, in practice, be deprived of any right or chance to question such an order. This could potentially lead to abusive situations, whilst also insufficiently protecting fundamental rights. It should also be noted that some moving image or sound file content could last longer than one hour.

Sufficient time is therefore needed to comply with removal orders. 'One hour' should be replaced by 'without undue delay' which would enable providers to address removal orders in a balanced and appropriate manner.

- Exceptions

Paragraphs 7 and 8 foresee possible exceptions for providers not to comply with the removal order in case of force majeure, de facto impossibility, manifest errors or lack of sufficient information. The Rapporteur considers however such exceptions too limited, and therefore suggests to add exceptions based on technical or operational reasons.

(iii) Proactive measures (Article 6)

Article 6 requires that hosting services providers, where appropriate, take proactive measures to protect their services against the dissemination of terrorist content online. It also requires that they submit a report on the specific proactive measures taken to prevent the re-upload of terrorist content which has previously been removed or to which access has been disabled.

The Rapporteur considers this Article highly problematic as it would lead to the imposition of a general monitoring obligation on hosting service providers, in contradiction with Article 15 of Directive 2000/31/EC.

Although the EC intends to circumvent this problem by giving some legal reassurance by specifying in Recital 19 that '*specific proactive measures should not in principle lead to the imposition of a general obligation to monitor*' this is clearly insufficient to guarantee that no general obligation to monitor will be imposed. On the contrary, the Commission argues that given the '*grave risks associated with the dissemination of terrorist content*', states could be allowed to '*exceptionally derogate from this principle under an EU framework*'. This would create a major shift in the existing legal approach with regard to the obligations of online hosting services and their liability regime, as well as dramatically impact on fundamental rights.

Moreover, Article 6 poses some problems with regard to Directive 2018/1808/EU. Video-sharing platforms providers (VSPs) falling within the scope of the proposed Regulation would have to take proactive measures. Article 28b(1) of the Directive requires VSPs to '*take appropriate measures to protect the general public from programmes (...) containing content the dissemination of which constitutes an activity which is a criminal offence under Union law, namely public provocation to commit a terrorist offence as set out in Article 5 of*

Directive 2017/541/EU. It also clearly states that such measures '*shall not lead to any ex-ante control measures or upload-filtering of content which do not comply with Article 15 of Directive 2000/31/EC*'. Proactive measures would therefore seem to be incompatible with the prohibition of ex-ante control and uploading filtering as provided for in the AVMSD.

In that context, considering the legal contradictions between the proposed Regulation and Directives 2000/31/EC and Directive 2018/1808/EU, the Rapporteur suggests deleting Article 6.

(iv) Penalties

Article 18 foresees a series of penalties applicable to breaches of the obligations by hosting service providers under the Regulation. Severe financial penalties are foreseen in case of a systematic failure of hosting service providers to comply with removal orders. The Rapporteur considers that Member States should establish penalties at national level, in a proportionate and practicable manner. They should also decide whether to impose financial penalties on providers. The Rapporteur therefore suggests removing the financial penalties as proposed by the Commission, both in order to avoid overburdening smaller providers, which could not survive such financial sanctions, as well as to avoid creating a situation where companies may overly block and remove content in order to protect themselves against possible financial penalties.

Along these main points, the Rapporteur makes a series of amendments to clarify legally different issues, with regard to the respect for fundamental rights, redress mechanisms and the right to appeal.

Finally, the Rapporteur would like to reiterate some basic principles essential to preventing radicalisation to terrorism and violent extremism which go far beyond any measures the Union could take to tackle the dissemination of terrorism content online. The importance of media and digital literacy for all citizens of all ages cannot be understated. In that regard, among the main actions to be taken to prevent radicalisation, the Union should ensure coherence in its policy and try to foster closer cooperation with civil society and online service providers to address challenges faced online. Efforts must be stepped up to encourage young people to think critically about extremist messages available online. Good practices and research on the inclusion of media literacy in formal education and training, as well as in non-formal and informal learning are also of utmost importance.

AMENDMENTS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on **preventing** the dissemination of terrorist
content online

A contribution from the European
Commission to the Leaders' meeting in
Salzburg on 19-20 September 2018

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on **tackling** the dissemination of terrorist
content online

A contribution from the European
Commission to the Leaders' meeting in
Salzburg on 19-20 September 2018

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) This Regulation aims at ensuring the smooth functioning of the digital single market in an open and democratic society, by preventing the misuse of hosting services for terrorist purposes. The functioning of the digital single market should be improved by reinforcing legal certainty for hosting service providers, reinforcing users' trust in the online environment, and by strengthening safeguards to the freedom of expression and information.

Amendment

(1) This Regulation aims at ensuring the smooth functioning of the digital single market in an open and democratic society, by preventing the misuse of hosting services for terrorist purposes **and providing a specific tool for countering such issues and helping to ensure freedom and security for citizens**. The functioning of the digital single market should be improved by reinforcing legal certainty for hosting service providers, reinforcing users' trust in the online environment, and by strengthening safeguards to the freedom of expression and information, **and rights to privacy and protection of personal data, as well as freedom of the press and pluralism of the media**.

Amendment 3

Proposal for a regulation

PE633.042v02-00

80/188

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Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Terrorist content is part of a broader problem of illegal content online, which includes other forms of content such as child sexual exploitation, illegal commercial practises and breaches of intellectual property. Trafficking in illegal content is often undertaken by terrorist and other criminal organisations to launder and raise seed money to finance their operations. This problem requires a combination of legislative, non-legislative and voluntary measures based on collaboration between authorities and providers, in the full respect for fundamental rights. Though the threat of illegal content has been mitigated by successful initiatives such as the industry-led Code of Conduct on countering illegal hate speech online and the WEePROTECT Global Alliance to end child sexual abuse online, it is necessary to establish a legislative framework for cross-border cooperation between national regulatory authorities to take down illegal content.

Amendment 4

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) Hosting service providers active on the internet play an essential role in the digital economy by connecting business and citizens and by facilitating public debate and the distribution and receipt of information, opinions and ideas, contributing significantly to innovation, economic growth and job creation in the Union. However, their services are in certain cases abused by third parties to

(2) Hosting service providers active on the internet play an essential role in the digital economy by connecting business and citizens and by facilitating public debate and the distribution and receipt of information, opinions and ideas, contributing significantly to innovation, economic growth and job creation in the Union. However, their services are in certain cases abused by third parties to

carry out illegal activities online. Of particular concern is the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist content online in order to spread their message, to radicalise and recruit and to facilitate and direct terrorist activity.

carry out illegal activities online, **which are a criminal offence under Union law**. Of particular concern is the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist content online in order to spread their message, to radicalise and recruit and to facilitate and direct terrorist activity.

Amendment 5

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) The presence of terrorist content online has serious negative consequences for **users, for** citizens and society at large **as well as** for the online service providers hosting such content, since it undermines the trust of their users and damages their business models. In light of their central role and the technological means **and capabilities** associated with the services they provide, online service providers have particular societal responsibilities to protect their services from misuse by terrorists and to help tackle terrorist content disseminated through their services.

Amendment

(3) **While not the only factor**, the presence of terrorist content online has **proven to be crucial in terms of radicalising individuals who have committed terrorist acts within the Union and beyond, which has had very** serious negative consequences for citizens and society at large, **but also** for the online service providers hosting such content, since it undermines the trust of their users and damages their business models. **Accordingly**, in light of their central role and **professional capabilities, in addition to** the technological means associated with the services they provide, **while taking account of the importance of safeguarding the fundamental freedoms of expression and information**, online service providers have particular societal responsibilities to protect their services from misuse by terrorists and to help tackle terrorist content disseminated through their services.

Amendment 6

Proposal for a regulation Recital 4

(4) Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers **need** to be complemented by a clear legislative framework in order to further reduce accessibility to terrorist content online and adequately address a rapidly evolving problem. This legislative framework seeks to build on voluntary efforts, which were reinforced by the Commission Recommendation (EU) 2018/334⁷ and responds to calls made by the European Parliament to strengthen measures to tackle illegal and harmful content and by the European Council to improve the automatic detection and removal of content that incites to terrorist acts.

(4) Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers. ***Unfortunately, that cooperation turned out to be insufficient to counter this phenomenon. Union law therefore needs*** to be complemented by a clear legislative framework in order to further reduce accessibility to terrorist content online and adequately address a rapidly evolving problem. This legislative framework seeks to build on voluntary efforts, which were reinforced by the Commission Recommendation (EU) 2018/334⁷ and responds to calls made by the European Parliament to strengthen measures to tackle illegal and harmful content and by the European Council to improve the automatic detection and removal of content that incites to terrorist acts.

⁷ Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

⁷ Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Amendment 7

Proposal for a regulation Recital 5

(5) The application of this Regulation should not affect the application of Article 14 of Directive 2000/31/EC⁸. In particular, any measures taken by the hosting service provider in compliance with this Regulation, including any proactive measures, should not in themselves lead to that service provider losing the benefit of the liability exemption provided for in that provision. This Regulation leaves

(5) The application of this Regulation should not affect the application of Article 14 of Directive 2000/31/EC⁸. In particular, any measures taken by the hosting service provider in compliance with this Regulation, including any proactive measures, should not in themselves lead to that service provider losing the benefit of the liability exemption provided for in that provision, ***since Article 14 requires service***

unaffected the powers of national authorities and courts to establish liability of hosting service providers in specific cases where the conditions under Article 14 of Directive 2000/31/EC for liability exemption are not met.

providers to act expeditiously to remove or to disable access to illegal content upon obtaining knowledge of illegal activity or information. This Regulation leaves unaffected the powers of national authorities and courts to establish liability of hosting service providers in specific cases where the conditions under Article 14 of Directive 2000/31/EC for liability exemption are not met.

⁸ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

⁸ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

Amendment 8

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The obligations laid down in this Regulation should not affect the duty and ability of national authorities and courts to take appropriate, reasonable and proportionate actions against criminal offences in accordance with national law.

Amendment 9

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) This Regulation contributes to the protection of public security while establishing appropriate and robust safeguards to ensure protection of the fundamental rights at stake. This includes the rights to respect for private life and to

(7) This Regulation contributes to the protection of public security while establishing appropriate and robust safeguards to ensure protection of the fundamental rights at stake. This includes the rights to respect for private life and to

the protection of personal data, the right to effective judicial protection, the right to freedom of expression, including the freedom to receive and impart information, the freedom to conduct a business, and the principle of non-discrimination. Competent authorities and hosting service providers should **only adopt** measures which are necessary, appropriate and proportionate within a democratic society, taking into account the particular importance accorded to the freedom of expression and information, which **constitutes one of the essential foundations of a pluralist, democratic society, and is one of the values on which the Union is founded. Measures constituting interference in the freedom of expression and information should be strictly targeted, in the sense that they must serve to prevent the dissemination of terrorist content**, but without thereby affecting the right to lawfully receive and impart information, taking into account the central role of hosting service providers in facilitating public debate and the distribution and receipt of facts, opinions and ideas in accordance with the law.

Amendment 10

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial remedy before the competent national court against any of the measures taken pursuant to this Regulation, which can adversely affect the rights of that person. The right includes, in particular the possibility for hosting service providers and content

the protection of personal data, the right to effective judicial protection, the right to freedom of expression, including the freedom to receive and impart information, the freedom to conduct a business, and the principle of non-discrimination. Competent authorities **as defined in this Regulation** and hosting service providers should **adopt exclusively** measures which are necessary, appropriate and proportionate within a democratic society, taking into account the particular importance accorded to the freedom of expression and information, **the rights to privacy and personal data protection**, which **constitute** the essential foundations of a pluralist, democratic society, and is one of the values on which the Union is founded. Measures **taken under this Regulation** should be **necessary, appropriate and proportionate to the aim they pursue to contribute to the fight against terrorism**, but without thereby affecting the right to lawfully receive and impart information, taking into account the central role of hosting service providers in facilitating public debate and the distribution and receipt of facts, opinions and ideas in accordance with the law.

Amendment

(8) The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial remedy before the competent national court against any of the measures taken pursuant to this Regulation, which can adversely affect the rights of that person. The right includes, in particular the possibility for hosting service providers and content

providers to effectively contest the removal orders before the court of the Member State whose authorities issued the removal order.

providers to ***be informed about redress, the possibility for content providers to appeal against removal decisions taken by the hosting service provider and the possibility for hosting service providers and content providers to*** effectively contest the removal orders before the court of the Member State whose authorities issued the removal order ***as well as the possibility for hosting service providers to contest any decision imposing penalties before the courts of the Member State where they are established or have a legal representative.***

Amendment 11

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In order to provide clarity about the actions that both hosting service providers and competent authorities should take to prevent the dissemination of terrorist content online, this Regulation should establish a definition of terrorist content for preventative purposes drawing on the definition of terrorist offences under Directive (EU) 2017/541 of the European Parliament and of the Council⁹. Given the need to address the most harmful terrorist propaganda online, the definition should capture material and information that incites, encourages or advocates the commission or contribution to terrorist offences, provides instructions for the commission of such offences or promotes the participation in activities of a terrorist group. Such information includes in particular text, images, sound recordings and videos. When assessing whether content constitutes terrorist content within the meaning of this Regulation, competent authorities as well as hosting service providers should take into account factors

Amendment

(9) In order to provide clarity about the actions that both hosting service providers and competent authorities should take to prevent the dissemination of terrorist content online, this Regulation should establish a definition of terrorist content for preventative purposes drawing on the definition of terrorist offences under Directive (EU) 2017/541 of the European Parliament and of the Council⁹. Given the need to address the most harmful terrorist propaganda online, the definition should capture material and information that incites, encourages or advocates the commission or contribution to terrorist offences, provides instructions for the commission of such offences or promotes the participation in activities of a terrorist group. Such information includes in particular text, images, sound recordings and videos. When assessing whether content constitutes terrorist content within the meaning of this Regulation, competent authorities as well as hosting service providers should take into account factors

such as the nature and wording of the statements, the context in which the statements were made and their potential to lead to harmful consequences, thereby affecting the security and safety of persons. The fact that the material was produced by, is attributable to or disseminated on behalf of an EU-listed terrorist organisation or person constitutes an important factor in the assessment. Content disseminated for educational, journalistic or research purposes should be adequately protected. **Furthermore**, the expression of radical, polemic or controversial views in the public debate on sensitive political questions should not be considered terrorist content.

such as the nature and wording of the statements, the context in which the statements were made and their potential to lead to harmful consequences, thereby affecting the security and safety of persons. The fact that the material was produced by, is attributable to or disseminated on behalf of an EU-listed terrorist organisation or person constitutes an important factor in the assessment. **Obviously**, content disseminated for educational, journalistic or research purposes should be **identified and** adequately protected **and should not be equated with incitement to terrorism unless the dissemination of such content enables it to be used for terrorist purposes. A fair balance would thus be struck between freedom of expression and information and public security requirements. In particular, any decision to remove journalistic content should take account of journalists' codes of self-regulation and ethics, in accordance with Article 11 of the Charter of Fundamental Rights of the European Union. In the interest of consistency**, the expression of radical, polemic or controversial views in the public debate on sensitive political questions should not be considered terrorist content.

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

Amendment 12

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to cover those online

Amendment

(10) In order to cover those online

hosting services where terrorist content is disseminated, this Regulation should apply to information society services which store information provided by a recipient of the service at his or her request and ***in making the information stored available to third parties, irrespective of whether this activity is of a mere technical, automatic and passive nature.*** By way of example such providers ***of information society services*** include social media platforms, ***video*** streaming services, ***video***, image and audio sharing services, file sharing and other cloud services to the extent they make the ***information*** available to ***third parties and websites*** where ***users can make comments or post reviews.*** The Regulation should also apply to hosting service providers established outside the Union but offering services within the Union, since a significant proportion of hosting service providers exposed to terrorist content on their services are established in third countries. This should ensure that all companies operating in the Digital Single Market comply with the same requirements, irrespective of their country of establishment. The determination as to whether a service provider offers services in the Union requires an assessment whether the service provider enables legal or natural persons in one or more Member States to use its services. However, the mere accessibility of a service provider's website or of an email address and of other contact details in one or more Member States taken in isolation should not be a sufficient condition for the application of this Regulation.

hosting services where terrorist content is disseminated, this Regulation should ***only*** apply to information society services which store information provided by a recipient of the service at his or her request and ***make such content available to the public, which means that the content providers do not predetermine the scope of potential users of the content.*** By way of example such providers include ***video-sharing platforms***, social media platforms, streaming services, image and audio sharing services, file sharing ***services***, and other cloud ***and storage*** services, ***with the exception of business-to-business cloud hosting service providers***, to the extent they make the ***content*** available to ***the public.*** ***For the purpose of this Regulation, web hosting service providers that provide the technical infrastructure to website operators, mere conduits and other electronic communication services, caching services, cloud IT infrastructure services, protection services, other services provided in other layers of the Internet infrastructure, such as registries and registrars, domain name systems (DNS), adjacent services, such as payment services, distributed denial of service (DDoS), protection services, interpersonal communication services that enable direct interpersonal and interactive exchange of information between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s), should be therefore excluded from its scope. 'Cloud infrastructure services' which consist in the provision of on demand physical or virtual resources that provide computing and storage infrastructure capabilities on which the service provider has no contractual rights as to what content is stored or how it is processed or made publicly available by its customers or by the end-users of such customers, and where the service provider has no technical capability to remove specific***

content stored by their customers or the end-users of their customers, should also be excluded from the scope of this Regulation. The Regulation should also apply to hosting service providers established outside the Union but offering services within the Union, since a significant proportion of hosting service providers exposed to terrorist content on their services are established in third countries. This should ensure that all companies operating in the Digital Single Market comply with the same requirements, irrespective of their country of establishment. The determination as to whether a service provider offers services in the Union requires an assessment whether the service provider enables legal or natural persons in one or more Member States to use its services. However, the mere accessibility of a service provider's website or of an email address and of other contact details in one or more Member States taken in isolation should not be a sufficient condition for the application of this Regulation.

Amendment 13

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Hosting service providers should apply certain duties of care, in order to prevent the dissemination of terrorist content on their services. These duties of care should not amount to a general monitoring obligation. Duties of care should include that, when applying this Regulation, hosting services providers act in a diligent, proportionate and non-discriminatory manner in respect of content that they store, in particular when implementing their own terms and conditions, with a view to avoiding removal of content which is not terrorist.

Amendment

(12) Hosting service providers should apply certain duties of care, in order to prevent ***and deter*** the dissemination of terrorist content on their services. These duties of care should not amount to a general monitoring obligation ***and should be without prejudice to Article 15 of Directive 2000/31/EC.*** Duties of care should include that, when applying this Regulation, hosting services providers act in a diligent, proportionate and non-discriminatory manner in respect of content that they store, in particular when implementing their own terms and

The removal or disabling of access has to be undertaken in the observance of freedom of expression and information.

conditions, with a view to avoiding removal of content which is not terrorist. Freedom of expression and information ***should be duly respected when removing or disabling access. Effective and expeditious complaints and redress mechanisms should be made available by the hosting service providers in the case of unjustified removals of content.***

Amendment 14

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) ***The procedure and obligations resulting from legal orders requesting*** hosting service providers to remove ***terrorist*** content or disable access to it, ***following an assessment by the competent authorities, should be harmonised. Member States should remain free as to the choice of the competent authorities allowing them to designate administrative, law enforcement or judicial authorities with that task.*** Given the speed at which terrorist content is disseminated across online services, ***this provision imposes obligations on*** hosting service providers ***to*** ensure that terrorist content identified in the removal order is removed or access to it is disabled ***within one hour from receiving*** the removal order. It is for the hosting service providers to decide whether to remove the content in question or disable access to the content for users in the Union.

Amendment

(13) ***Competent authorities of the Member States should assess whether content is terrorist content, and should issue a legal order to request*** hosting service providers to ***either*** remove ***such*** content or ***to*** disable access to it. Given the speed at which terrorist content is disseminated across online services, hosting service providers ***should*** ensure that ***such*** terrorist content identified in the removal order is removed or access to it is disabled ***without undue delay after having received*** the removal order. It is for the hosting service providers to decide whether to remove the content in question or disable access to the content for users in the Union.

Amendment 15

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Given the scale and speed necessary for effectively identifying and removing terrorist content, proportionate proactive measures, including by using automated means in certain cases, are an essential element in tackling terrorist content online. With a view to reducing the accessibility of terrorist content on their services, hosting service providers should assess whether it is appropriate to take proactive measures depending on the risks and level of exposure to terrorist content as well as to the effects on the rights of third parties and the public interest of information. Consequently, hosting service providers should determine what appropriate, effective and proportionate proactive measure should be put in place. This requirement should not imply a general monitoring obligation. In the context of this assessment, the absence of removal orders and referrals addressed to a hosting provider, is an indication of a low level of exposure to terrorist content.

Amendment

(16) Given the scale and speed necessary for effectively identifying and removing terrorist content, proportionate proactive measures, including by using automated means in certain cases, are an essential element in tackling terrorist content online. With a view to reducing the accessibility of terrorist content on their services, hosting service providers should assess whether it is appropriate, ***effective and proportionate*** to take ***targeted*** proactive measures depending on the risks and level of exposure to terrorist content as well as to the effects on the rights of third parties and the public interest of information. Consequently, hosting service providers should determine what appropriate, effective and proportionate proactive measure should be put in place. This requirement should not imply a general monitoring obligation ***in accordance with Article 15 of Directive 2000/31/EC. This should also be without prejudice to Directive (EU) 2018/1808, which requires video-sharing platforms (VSP) to take measures to protect the general public from content the dissemination of which constitutes an activity which is a criminal offence under Union law.*** In the context of this assessment, the absence of removal orders and referrals addressed to a hosting provider, is an indication of a low level of exposure to terrorist content.

Amendment 16

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) When putting in place proactive measures, hosting service providers should ensure that users' right to freedom of

Amendment

(17) When putting in place proactive measures, hosting service providers should ensure that users' right to freedom of

expression and information - including to freely receive and impart information - is preserved. In addition to any requirement laid down in the law, including the legislation on protection of personal data, hosting service providers should act with due diligence and implement safeguards, including notably human oversight and verifications, where appropriate, to avoid any unintended and erroneous decision leading to removal of content that is not terrorist content. This is of particular relevance when hosting service providers use automated means to detect terrorist content. Any decision to use automated means, whether taken by the hosting service provider itself or pursuant to a request by the competent authority, should be assessed with regard to the reliability of the underlying technology and the ensuing impact on fundamental rights.

expression and information - including to freely receive and impart information - is preserved. In addition to any requirement laid down in the law, including the legislation on protection of personal data, hosting service providers should act with due diligence and implement safeguards, including notably human oversight and verifications, where appropriate, to avoid any unintended and erroneous decision leading to removal of content that is not terrorist content. This is of particular relevance when hosting service providers use automated means to detect terrorist content. Any decision to use automated means, whether taken by the hosting service provider itself or pursuant to a request by the **relevant** competent authority should be assessed with regard to the reliability of the underlying technology and the ensuing impact on fundamental rights. ***Hosting service providers should put in place effective and expeditious complaints and redress mechanisms to address cases of unjustified removals of content.***

Amendment 17

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In order to ensure that hosting service providers exposed to terrorist content take appropriate measures to prevent the misuse of their services, the competent authorities should request hosting service providers having received a removal order, which has become final, to report on the proactive measures taken. These could consist of measures to **prevent the re-upload** of terrorist content, removed or access **to it** disabled as a result of a removal order or referrals they received, checking against publicly or privately-held tools containing known terrorist content.

Amendment

(18) In order to ensure that hosting service providers exposed to terrorist content take appropriate measures to prevent the misuse of their services, the competent authorities should request hosting service providers having received a removal order, which has become final, to report on the proactive measures taken, **as well as on the functioning of the complaints and redress mechanisms.** These could consist of measures to **address the reappearance** of terrorist content, **which has been already** removed or **the access of which has been already** disabled

They may also employ the use of reliable technical tools to identify new terrorist content, either using those available on the market or those developed by the hosting service provider. The service provider should report on the specific proactive measures in place in order to allow the competent authority to judge whether the measures are effective and proportionate and whether, if automated means are used, the hosting service provider has the necessary abilities for human oversight and verification. In assessing the effectiveness and proportionality of the measures, competent authorities should take into account relevant parameters including the number of removal orders and referrals issued to the provider, their economic capacity and the impact of its service in disseminating terrorist content (for example, taking into account the number of users in the Union).

as a result of a removal order or referrals they received, checking against publicly or privately-held tools containing known terrorist content. They may also employ the use of reliable technical tools to identify new ***terrorist content, for instance where it uses in part or whole terrorist content that is already subject to a definitive removal order or where it is uploaded by users who already uploaded*** terrorist content, either using those available on the market or those developed by the hosting service provider. The service provider should report on the specific proactive measures in place in order to allow the competent authority to judge whether the measures are effective and proportionate and whether, if automated means are used, the hosting service provider has the necessary abilities for human oversight and verification. In assessing the effectiveness and proportionality of the measures, competent authorities should take into account relevant parameters including the number of removal orders and referrals issued to the provider, their economic capacity and the impact of its service in disseminating terrorist content (for example, taking into account the number of users in the Union).

Amendment 18

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Following the request, the competent authority should enter into a dialogue with the hosting service provider about the necessary proactive measures to be put in place. If necessary, the competent authority should impose the adoption of appropriate, effective and proportionate proactive measures where it considers that the measures taken are insufficient to meet the risks. A decision to impose such

Amendment

(19) Following the request, the competent authority should enter into a dialogue with the hosting service provider about the necessary proactive measures to be put in place. If necessary, the competent authority should impose the adoption of appropriate, effective and proportionate proactive measures where it considers that the measures taken are insufficient to meet the risks. A decision to impose such

specific proactive measures should not, *in principle*, lead to the imposition of a general obligation to monitor, as provided in Article 15(1) of Directive 2000/31/EC. Considering the particularly grave risks associated with the dissemination of terrorist content, the decisions adopted by the competent authorities on the basis of this Regulation could derogate from the approach established in Article 15(1) of Directive 2000/31/EC, as regards certain specific, targeted measures, the adoption of which is necessary for overriding public security reasons. Before adopting such decisions, the competent authority should strike a fair balance between the public interest objectives and the fundamental rights involved, in particular, the freedom of expression and information and the freedom to conduct a business, and provide appropriate justification.

specific proactive measures should not lead to the imposition of a general obligation to monitor, as provided in Article 15(1) of Directive 2000/31/EC. Considering the particularly grave risks associated with the dissemination of terrorist content, the decisions adopted by the competent authorities on the basis of this Regulation could derogate from the approach established in Article 15(1) of Directive 2000/31/EC, *only* as regards certain specific, targeted measures, the adoption of which is necessary for overriding public security reasons. Before adopting such decisions, the competent authority should strike a fair balance between the public interest objectives and the fundamental rights involved, in particular, the freedom of expression and information and the freedom to conduct a business, and provide appropriate justification.

Amendment 19

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Complaint procedures constitute a necessary safeguard against erroneous removal of content protected under the freedom of expression and information. Hosting service providers should therefore establish user-friendly complaint mechanisms *and* ensure that complaints are dealt with promptly and in full transparency towards the content provider. The requirement for the hosting service provider to reinstate the content where it has been removed in error, does not affect the possibility of hosting service providers to enforce their own terms and conditions on other grounds.

Amendment

(25) Complaint procedures constitute a necessary safeguard against erroneous removal of content protected under the freedom of expression and information. Hosting service providers should therefore establish *effective and* user-friendly complaint *and redress* mechanisms *to* ensure that complaints are dealt with promptly and in full transparency towards the content provider. The requirement for the hosting service provider to reinstate the content where it has been removed in error, does not affect the possibility of hosting service providers to enforce their own terms and conditions on other grounds. *Member States should also guarantee that hosting service providers and content providers can effectively exercise their*

right to judicial redress. Furthermore, content providers whose content has been removed following a removal order should have the right to an effective judicial remedy in accordance with Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Effective appeal mechanisms should be established at national level to ensure that any party subject to a removal order issued by a competent judicial authority should have the right to appeal to a judicial body. The appeal procedure is without prejudice to the division of competences within national judicial systems.

Amendment 20

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Effective legal protection according to Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union requires that persons are able to ascertain the reasons upon which the content uploaded by them has been removed or access to it disabled. For that purpose, the hosting service provider should make available to the content provider meaningful information enabling the content provider to contest the decision. ***However, this does not necessarily require a notification to the content provider. Depending on the circumstances, hosting service providers may replace content which is considered terrorist content, with a message that it has been removed or disabled in accordance with this Regulation. Further information about the reasons as well as possibilities for the content provider to contest the decision should be given upon request.*** Where competent authorities decide that for reasons of public security including in the

Amendment

(26) ***More generally,*** effective legal protection according to Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union requires that persons are able to ascertain the reasons upon which the content uploaded by them has been removed or access to it disabled. For that purpose, the hosting service provider should make available to the content provider meaningful information enabling the content provider to contest the decision. Hosting service providers ***should, where possible, inform content providers through any means available of any content the hosting service provider has removed. However,*** where competent authorities decide that for reasons of public security including in the context of an investigation, it is considered inappropriate or counter-productive to directly notify the content provider of the removal or disabling of content, they should inform the hosting service provider.

context of an investigation, it is considered inappropriate or counter-productive to directly notify the content provider of the removal or disabling of content, they should inform the hosting service provider.

Amendment 21

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to ensure the effective and sufficiently coherent implementation of proactive measures, competent authorities in Member States should liaise with each other with regard to the discussions they have with hosting service providers ***as to the identification, implementation and assessment of specific proactive measures. Similarly, such cooperation is also needed in relation to the adoption of rules on penalties, as well as the implementation and the enforcement of penalties.***

Amendment

(28) In order to ensure the effective and sufficiently coherent implementation of proactive measures, competent ***judicial*** authorities in Member States should liaise with each other with regard to the discussions they have with hosting service providers ***and with educational institutions and civil society organisations, such as journalists' associations, youth organisations, media supervisory bodies and others, as to the assessment, identification and implementation of meaningful and sustainable proactive measures to combat terrorism and radicalisation.***

Amendment 22

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Both hosting service providers and Member States should establish points of contact to facilitate the swift handling of removal orders and referrals. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and referrals and of

Amendment

(33) Both hosting service providers and Member States should establish points of contact to facilitate the swift handling of removal orders and referrals. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and referrals and of

technical and personal means allowing for the swift processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled *within one hour* from the receipt of a removal order, hosting service providers should ensure that the point of contact is reachable 24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.

technical and personal means allowing for the swift processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled *promptly and without undue delay* from the receipt of a removal order, hosting service providers should ensure that the point of contact is reachable. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available

Justification

It is unrealistic to ask SMEs for the removal of content within 1 hour from receiving the removal order without giving time for the proper assessment of the request. Small companies will simply not be able to fulfil this condition, as in most cases they simply don't have enough human resources to be available 24/7 and to remove content within the hour

Amendment 23

Proposal for a regulation **Recital 34**

Text proposed by the Commission

(34) In the absence of a general requirement for service providers to ensure a physical presence within the territory of the Union, there is a need to ensure clarity under which Member State's jurisdiction the hosting service provider offering services within the Union falls. As a general rule, the hosting service provider

Amendment

(34) In the absence of a general requirement for service providers to ensure a physical presence within the territory of the Union, there is a need to ensure clarity under which Member State's jurisdiction the hosting service provider offering services within the Union falls. As a general rule, the hosting service provider

falls under the jurisdiction of the Member State in which it has its main establishment or in which it has designated a legal representative. Nevertheless, where another Member State issues a removal order, its **authorities** should be able to enforce **their** orders by taking coercive measures of a non-punitive nature, such as penalty payments. With regards to a hosting service provider which has no establishment in the Union and does not designate a legal representative, any Member State should, nevertheless, be able to issue penalties, provided that the principle of ne bis in idem is respected.

Amendment 24

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Penalties **are necessary** to ensure the effective implementation by hosting service providers of the obligations pursuant to this Regulation. Member States should adopt rules on penalties, **including, where appropriate, fining guidelines. Particularly** severe penalties **shall** be ascertained in the event that the hosting service provider systematically fails to remove terrorist content or disable access to it **within one hour from receipt of** a removal order. Non-compliance in individual cases could be sanctioned while respecting the principles of ne bis in idem and of proportionality and ensuring that such sanctions take account of systematic failure. In order to ensure legal certainty, the regulation should set out to what extent the relevant obligations can be subject to penalties. Penalties for non-compliance with Article 6 should only be adopted in relation to obligations arising from a request to report pursuant to Article 6(2) or a decision imposing additional proactive

falls under the jurisdiction of the Member State in which it has its main establishment or in which it has designated a legal representative. Nevertheless, where another Member State issues a removal order, its **authority** should be able to enforce **its** orders by taking coercive measures of a non-punitive nature, such as penalty payments. With regards to a hosting service provider which has no establishment in the Union and does not designate a legal representative, any Member State should, nevertheless, be able to issue penalties, provided that the principle of ne bis in idem is respected.

Amendment

(38) **Member States should establish** penalties to ensure the effective implementation by hosting service providers of the obligations pursuant to this Regulation. Member States should adopt rules on **such** penalties, **which should be proportionate and practicable, taking into account the size and the nature of the hosting services provider concerned.** Severe penalties **should** be ascertained in the event that the hosting service provider systematically fails to remove terrorist content or disable access to it **without undue delay. Where a terrorist content is manifestly harmful or constitutes an immediate threat to public order, hosting service providers should remove or disable access to the terrorist content upon receiving the duly justified** removal order. Non-compliance in individual cases could be sanctioned while respecting the principles of ne bis in idem and of proportionality and ensuring that such sanctions take account of systematic

measures pursuant to Article 6(4). When determining whether or not financial penalties should be imposed, due account should be taken of the financial resources of the provider. Member States shall ensure that penalties do not encourage the removal of content which is not terrorist content.

failure, ***but do not encourage the arbitrary removal of content which is not terrorist content***. In order to ensure legal certainty, the Regulation should set out to what extent the relevant obligations can be subject to penalties. Penalties for non-compliance with Article 6 should only be adopted in relation to obligations arising from a request to report pursuant to Article 6(2) or a decision imposing additional proactive measures pursuant to Article 6(4). When determining whether or not financial penalties should be imposed, due account should be taken of the financial resources of the provider. Member States shall ensure that penalties do not encourage the removal of content which is not terrorist content.

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation lays down uniform rules to prevent the misuse of hosting services for the dissemination of terrorist content online. It lays down in particular:

Amendment

1. ***Without prejudice to the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 TEU***, this Regulation lays down uniform rules to prevent the misuse of hosting services for the dissemination ***to the public*** of terrorist content online. It lays down in particular:

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) rules on duties of care to be applied by hosting service providers in order to ***prevent*** the dissemination of terrorist content through their services and ensure,

Amendment

(a) rules on duties of care to be applied by hosting service providers in order to ***tackle*** the dissemination of terrorist content ***online to the public*** through their services and ensure, where necessary, its swift

where necessary, its swift removal;

removal;

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) a set of measures to be put in place by Member States to identify terrorist content, to enable its swift removal by hosting service providers and to facilitate cooperation with the competent authorities in other Member States, hosting service providers and where appropriate relevant Union bodies.

Amendment

(b) a set of measures to be put in place by Member States to identify terrorist content, to enable its swift removal by hosting service providers and to facilitate cooperation with the **relevant competent authorities, and where applicable, judicial** authorities in other Member States, hosting service providers and where appropriate relevant Union bodies.

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation shall not apply to content disseminated for educational, artistic, journalistic or research purposes and other editorial purposes, provided that it does not incite the commission of violence, or to content disseminated for awareness raising purposes against terrorist activities.

Amendment 29

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to hosting service providers offering services in the Union, irrespective of their place of

Amendment

2. This Regulation shall apply to hosting service providers offering services **to the public** in the Union, irrespective of

main establishment.

their place of main establishment.

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'hosting service provider' means a provider of information society services consisting in the storage of **information** provided by and at the request of the content provider and in making the information stored available to **third parties**;

Amendment

(1) 'hosting service provider' means a provider of information society services consisting in the storage of **online content** provided by and at the request of the content provider and in making the information stored available to **the public**;

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) 'competent authority' means a single designated national judicial authority in the Member State, or an independent administrative authority, with the relevant expertise;

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'terrorist offences' means **offences as defined** in Article 3(1) of Directive (EU) 2017/541;

Amendment

(4) 'terrorist offences' means **one of the intentional acts listed** in Article 3(1) of Directive (EU) 2017/541;

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – introductory part

Text proposed by the Commission

(5) 'terrorist content' means **one or more of the following information:**

Amendment

(5) 'terrorist content' means **online content which may contribute to the commission of intentional acts which constitute offences under national and Union law, as listed in Article 3(1)(a) to (i) of Directive 2017/541/EU, by:**

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Text proposed by the Commission

(b) **encouraging the contribution** to terrorist offences;

Amendment

(b) **soliciting persons or a group of persons to contribute** to terrorist offences;

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Text proposed by the Commission

(c) promoting the activities of a terrorist group, in particular by **encouraging the participation in** or support **to** a terrorist group within the meaning of Article 2(3) of Directive (EU) 2017/541;

Amendment

(c) promoting the activities of a terrorist group, in particular by **soliciting persons or a group of persons to participate in, meeting with, communicate with** or support **the criminal activities of** a terrorist group within the meaning of Article 2(3) of Directive (EU) 2017/541, **or by encouraging the dissemination of terrorist content;**

Amendment 36

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) 'dissemination of terrorist content'

Amendment

(6) 'dissemination of terrorist content'

means making terrorist content available to third parties on the hosting service providers' services;

means making terrorist content **publicly** available to third parties on the hosting service providers' services;

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'referral' means a notice by a competent authority or, where applicable, a relevant Union body to a hosting service provider about **information** that may be considered terrorist content, for the provider's voluntary consideration of the compatibility with its own terms and conditions aimed to prevent dissemination of terrorism content;

Amendment

(8) 'referral' means a notice by a competent authority or, where applicable, a relevant Union body to a hosting service provider about **content** that may be considered terrorist content, for the provider's voluntary consideration of the compatibility with its own terms and conditions aimed to prevent dissemination of terrorism content;

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) 'main establishment' means the head office or registered office within which the principal financial functions and operational control are exercised.

Amendment

(9) 'main establishment' means the head office or registered office within which the principal financial functions and operational control are exercised **in the Union**.

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The expression of radical, polemic or controversial views in the public debate on sensitive political questions, as well as content aiming at providing information or denouncing terrorist content shall not

be considered terrorist content within the meaning of point (5) of the first paragraph of this Article.

Amendment 40

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Hosting service providers shall take appropriate, reasonable and proportionate actions in accordance with this Regulation, against the dissemination of terrorist content and to protect users from terrorist content. In doing so, they shall act in a diligent, proportionate and non-discriminatory manner, **and** with due **regard to the** fundamental rights of the users **and take into account the fundamental importance of the** freedom of expression and information **in an open and democratic society**.

Amendment

1. Hosting service providers shall take appropriate, reasonable and proportionate actions in accordance with this Regulation, against the dissemination of terrorist content **to the public** and to protect users from terrorist content. In doing so, they shall act in a diligent, proportionate and non-discriminatory manner, with due **respect to** fundamental rights of the users, **in particular** freedom of expression and information.

Amendment 41

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall include in their terms and conditions, **and apply, provisions to prevent** the dissemination of terrorist content.

Amendment

2. **Without prejudice to Articles 14 and 15 of Directive 2000/31/EC**, hosting service providers shall include in their terms and conditions **that they shall take appropriate, effective and proportionate measures to tackle** the dissemination of terrorist content **on their services**.

Amendment 42

Proposal for a regulation Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Hosting service providers as referred to Article 1(1) who meet the criteria of the definition of video-sharing platforms providers shall take appropriate measures to tackle the dissemination of terrorist content in accordance with Article 28b paragraph 1(c) and paragraph 3 of Directive (EU) 2018/1808.*

Amendment 43

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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.

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.

Amendment 44

Proposal for a regulation Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *In cases where the competent authority of the Member State in which the main establishment of the hosting service provider or content provider is located has reasonable grounds to believe that the removal order may affect fundamental rights of the individual it shall inform the requesting competent authority. The requesting competent authority shall take those circumstances into account and shall, where necessary, withdraw or adapt the removal request.*

Amendment 45

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall remove terrorist content or disable access to it ***within one hour from*** receipt of the removal order.

Amendment

2. ***Without prejudice to Articles 14 and 15 of Directive 2000/31/EC***, hosting service providers shall remove terrorist content or disable access to it ***without undue delay following the*** receipt of the removal order. ***Member States may provide that where a terrorist content is manifestly harmful or constitutes an immediate threat to the public order, hosting service providers shall remove or disable access to the terrorist content from the moment of receipt of a duly justified removal order.***

Amendment 46

Proposal for a regulation

Article 4 – paragraph 3 – point b

Text proposed by the Commission

(b) a statement of reasons explaining why the content is considered terrorist content, at least, by reference to the categories of terrorist content listed in Article 2(5);

Amendment

(b) a ***comprehensive*** statement of reasons explaining why the content is considered terrorist content, at least, by reference to the categories of terrorist content listed in Article 2(5);

Amendment 47

Proposal for a regulation

Article 4 – paragraph 3 – point c

Text proposed by the Commission

(c) ***a*** Uniform Resource Locator (URL) and, ***where necessary, additional*** information enabling the identification of the content referred;

Amendment

(c) ***an exact online*** Uniform Resource Locator (URL), ***an identification of the online content provider and any other*** information enabling the identification of the content referred;

Amendment 48

Proposal for a regulation

Article 4 – paragraph 3 – point f

Text proposed by the Commission

(f) information about redress available to the hosting service provider and to the content provider;

Amendment

(f) information about **redress and the deadline for** redress available to the hosting service provider and to the content provider;

Amendment 49

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The hosting service provider or content provider shall have the right to appeal the removal order by seeking redress in front of the relevant judicial authority in the Member State in which the main establishment of the hosting service provider or content provider is located.

Amendment 50

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The competent authorities shall address removal orders to the main establishment of the hosting service provider or to the legal representative designated by the hosting service provider pursuant to Article 16 and transmit it to the point of contact referred to in Article 14(1). Such orders shall be sent by electronic means capable of producing a written record under conditions allowing to establish the authentication of the sender,

Amendment

5. The competent authorities shall address removal orders to the main establishment of the hosting service provider or to the legal representative designated by the hosting service provider pursuant to Article 16 and transmit it to the point of contact referred to in Article 14(1). Such orders shall be sent by electronic means capable of producing a written record under conditions allowing to establish the authentication of the sender,

including the accuracy of the date and the time of sending and receipt of the order.

including the accuracy of the date and the time of sending and receipt of the order.

Such orders shall be made in one of the languages specified in accordance with Article 14(2).

Amendment 51

Proposal for a regulation Article 4 – paragraph 8

Text proposed by the Commission

8. If the hosting service provider cannot comply with the removal order because the removal order contains manifest errors or does not contain sufficient information to execute the order, it shall inform the competent authority without undue delay, asking for the necessary clarification, using the template set out in Annex III. The deadline set out in paragraph 2 shall apply as soon as the clarification is provided.

Amendment

8. If the hosting service provider cannot comply with the removal order because the removal order contains manifest errors or does not contain sufficient ***technical*** information to execute the order, it shall inform the competent authority without undue delay, asking for the necessary clarification, using the template set out in Annex III. The deadline set out in paragraph 2 shall apply as soon as the clarification is provided.

Amendment 52

Proposal for a regulation Article 4 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. If the hosting service provider cannot comply with the removal order because of operational or technical issues, it shall inform the competent judicial authority, explaining the reasons why, as well as describing the actions it intends to take to achieve full compliance with the removal order, using the template set out in Annex III.

Amendment 53

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Cross-border cooperation

- 1. The competent authority issuing the removal order to the hosting service provider shall submit immediately a copy of that 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 or its designated representative is located.*
- 2. In cases where the competent authority of the Member State in which the main establishment of the hosting service provider, its designated representative or the content provider is located has reasonable grounds to believe that the removal order may affect fundamental rights of the individual, it shall inform the requesting competent authority.*
- 3. The requesting competent authority shall take those circumstances into account and shall, where necessary, withdraw or adapt the removal request.*

Amendment 54

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. The referral shall contain sufficiently detailed information, including the reasons why the content is considered terrorist content, a URL and, where necessary, additional information enabling the identification of the terrorist content referred.

4. The referral shall contain sufficiently detailed information, including **a comprehensive list of** the reasons why the content is considered terrorist content, a URL and, where necessary, additional information enabling the identification of the terrorist content referred.

Amendment 55

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. **Without prejudice to Directive (EU) 2018/1808 and Directive 2000/31/EC**, hosting service providers shall, **depending on the risk and level of exposure to terrorist content**, take proactive 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, **and with due respect to** the fundamental rights of the users, **in particular** freedom of expression and information.

Amendment 56

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

Text proposed by the Commission

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:

Amendment

Where it has been informed according to Article 4(9), the **relevant** 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:

Amendment 57

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

Text proposed by the Commission

(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;

Amendment

(a) **effectively address the reappearance** of content which has previously been removed or to which access has been disabled because it is considered to be terrorist content;

Amendment 58

**Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 3**

Text proposed by the Commission

The reports shall include all relevant information allowing the competent authority referred to in Article 17(1)(c) to assess whether the proactive measures are effective and proportionate, including to evaluate the functioning of any automated tools used as well as the human oversight and verification mechanisms employed.

Amendment

The reports shall include all relevant information allowing the **relevant** competent authority referred to in Article 17(1)(c) to assess whether the proactive measures are effective and proportionate, including to evaluate the functioning of any automated tools used as well as the human oversight and verification mechanisms employed.

Amendment 59

**Proposal for a regulation
Article 6 – paragraph 3**

Text proposed by the Commission

3. Where the competent authority referred to in Article 17(1)(c) considers that the proactive measures taken and reported under paragraph 2 are insufficient in mitigating and managing the risk and level of exposure, it may request the hosting service provider to take specific additional proactive measures. For that purpose, the hosting service provider shall cooperate with the competent authority referred to in Article 17(1)(c) with a view to identifying the specific measures that the hosting service provider shall put in place, establishing key objectives and

Amendment

3. Where the **relevant** competent authority referred to in Article 17(1)(c) considers that the proactive measures taken and reported under paragraph 2 are **disproportionate or** insufficient in mitigating and managing the risk and level of exposure, it may request the hosting service provider **to adapt the measures already taken or** to take specific additional proactive measures. For that purpose, the hosting service provider shall cooperate with the **relevant** competent authority referred to in Article 17(1)(c) with a view to identifying **the changes or** the specific

benchmarks as well as timelines for their implementation.

measures that the hosting service provider shall put in place, establishing key objectives and benchmarks as well as timelines for their implementation.

Amendment 60

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. Where no agreement can be reached within the three months from the request pursuant to paragraph 3, the competent authority referred to in Article 17(1)(c) may issue a decision imposing specific additional necessary and proportionate proactive measures. The decision shall take into account, in particular, the economic capacity of the hosting service provider and the effect of such measures on the fundamental rights of the users **and the fundamental importance of the** freedom of expression and information. Such a decision shall be sent to the main establishment of the hosting service provider or to the legal representative designated by the service provider. The hosting service provider shall regularly report on the implementation of such measures as specified by the competent authority referred to in Article 17(1)(c).

Amendment

4. Where no agreement can be reached within the three months from the request pursuant to paragraph 3, the **relevant** competent authority referred to in Article 17(1)(c) may issue a decision imposing specific additional necessary and proportionate proactive measures. The decision shall take into account, in particular, the **type of content hosted on the service, the technical feasibility of the measures, the** economic capacity of the hosting service provider and the effect of such measures on the fundamental rights of the users, **in particular** freedom of expression and information. Such a decision shall be sent to the main establishment of the hosting service provider or to the legal representative designated by the service provider. The hosting service provider shall regularly report on the implementation of such measures as specified by the **relevant** competent authority referred to in Article 17(1)(c).

Amendment 61

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

5. A hosting service provider may, at any time, request the competent authority

Amendment

5. A hosting service provider may, at any time, request the **relevant** competent

referred to in Article 17(1)(c) a review and, where appropriate, to revoke a request or decision pursuant to paragraphs 2, 3, and 4 respectively. The competent authority shall provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

authority referred to in Article 17(1)(c) a review and, where appropriate, to revoke a request or decision pursuant to paragraphs 2, 3, and 4 respectively. The **relevant** competent authority shall provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

Amendment 62

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

Text proposed by the Commission

Amendment

5a. Article 6 and Article 9 shall not apply to providers of cloud infrastructure services which consist in the provision of on demand physical or virtual resources that provide computing and storage infrastructure capabilities on which the service provider has no rights as to what content is stored or how it is processed or made publicly available by its customers or by the end-users of such customers, and where the service provider has no specific control of the content stored by their customers or the end-users of their customers.

Amendment 63

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Hosting service providers shall set out in their terms and conditions their policy to **prevent** the dissemination of terrorist content, including, where appropriate, a meaningful explanation of the functioning of proactive measures including the use of automated tools.

1. Hosting service providers shall **clearly** set out in their terms and conditions their policy to **tackle** the dissemination of terrorist content, including, where appropriate, a meaningful explanation of the functioning of proactive measures including the use of automated tools **and to collaborate with the relevant competent**

authorities.

Amendment 64

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall publish annual transparency reports on action taken against the dissemination of terrorist content.

Amendment

2. Hosting service providers, *the relevant competent authorities and Union bodies* shall publish annual transparency reports on action taken against the dissemination of terrorist content *to the public.*

Amendment 65

Proposal for a regulation Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. Transparency reports shall include at least the following information:

Amendment

3. Transparency reports *of the hosting service providers* shall include at least the following information:

Amendment 66

Proposal for a regulation Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) information about the hosting service provider's measures to *prevent 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;

Amendment

(b) *detailed* information about the hosting service provider's measures to *address the reappearance* of content which has previously been removed or to which access has been disabled because it is considered to be terrorist content;

Amendment 67

Proposal for a regulation

Article 8 – paragraph 3 – point d

Text proposed by the Commission

(d) overview and **outcome of** complaint **procedures**.

Amendment

(d) overview and **assessment of the effectiveness of the** complaint **and redress mechanisms**.

Amendment 68

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Where hosting service providers use automated tools pursuant to this Regulation in respect of content that they store, they shall provide effective and appropriate safeguards to ensure that decisions taken concerning that content, in particular decisions to remove or disable content considered to be terrorist content, are accurate and well-founded.

Amendment

1. Where hosting service providers use automated tools pursuant to this Regulation in respect of content that they store, they shall provide effective and appropriate safeguards to ensure that decisions taken concerning that content, in particular decisions to remove or disable **access to** content considered to be terrorist content, are accurate and well-founded.

Amendment 69

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Safeguards shall consist, in particular, of human oversight and verifications **where appropriate and, in any event**, where a detailed assessment of the relevant context is required in order to determine whether or not the content is to be considered terrorist content.

Amendment

2. Safeguards shall consist, in particular, of human oversight and verifications **of the appropriateness of the decision to remove or deny access to content, in particular with regard to the right to freedom of expression and information. Human oversight shall be required** where a detailed assessment of the relevant context is required in order to determine whether or not the content is to be considered terrorist content.

Amendment 70

Proposal for a regulation Article 10 – title

Text proposed by the Commission

Complaint mechanisms

Amendment

Complaint **and redress** mechanisms

Amendment 71

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Hosting service providers shall establish effective and accessible mechanisms allowing content providers whose content has been removed or access to it disabled as a result of a referral pursuant to Article 5 or of proactive measures pursuant to Article 6, to submit a complaint against the action of the hosting service provider requesting reinstatement of the content.

Amendment

1. ***Without prejudice to the judicial remedies available to content providers under national law***, hosting service providers shall establish ***expeditious, effective and accessible complaints and redress*** mechanisms allowing content providers whose content has been removed or access to it disabled as a result of a referral pursuant to Article 5 or of proactive measures pursuant to Article 6, to submit a ***substantiated*** complaint against the action of the hosting service provider requesting reinstatement of the content.

Amendment 72

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

In cases where content has been removed or access to it disabled as a result of a removal order to Article 4, a referral pursuant to Article 5 or proactive measures pursuant to Article 6, the content provider concerned can initiate judicial proceedings at any time requesting re-instatement of the content.

Initiation of judicial proceedings is not conditional on the initiation of complaint mechanisms referred to in Article 10.

Amendment 73

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Where hosting service providers become aware of any evidence of terrorist offences, they shall promptly inform **authorities** competent for the investigation and prosecution in criminal offences in the concerned Member State or the point of contact in the Member State pursuant to Article 14(2), where they have their main establishment or a legal representative. Hosting service providers may, in case of doubt, transmit this information to Europol for appropriate follow up.

Amendment

4. Where hosting service providers become aware of any evidence of terrorist offences, they shall promptly inform **the authority** competent for the investigation and prosecution in criminal offences in the concerned Member State or the point of contact in the Member State pursuant to Article 14(2), where they have their main establishment or a legal representative. Hosting service providers may, in case of doubt, transmit this information to Europol for appropriate follow up.

Amendment 74

Proposal for a regulation Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall **lay down the rules on** penalties **applicable to** breaches of the obligations by hosting service providers under this Regulation and shall take all necessary measures to ensure that they are implemented. Such penalties shall be limited to infringement of the obligations pursuant to:

Amendment

1. Member States shall **establish** penalties **for** breaches of the obligations by hosting service providers under this Regulation and shall take all necessary measures to ensure that they are implemented. Such penalties shall be limited to infringement of the obligations pursuant to:

Amendment 75

Proposal for a regulation Article 18 – paragraph 1 – point d

Text proposed by the Commission

(d) Article 6(2) and (4) (reports on proactive measures and the adoption of measures following a decision imposing specific proactive measures);

Amendment

(d) Article 6(2) and (4) (reports on proactive measures and the adoption of **such** measures following a decision imposing specific proactive measures);

Amendment 76

Proposal for a regulation
Article 18 – paragraph 1 – point g

Text proposed by the Commission

(g) Article 9 (safeguards **in relation to** proactive measures);

Amendment

(g) Article 9 (safeguards **with regard to the use and implementation of** proactive measures);

Amendment 77

Proposal for a regulation
Article 18 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure that, when determining the type and level of penalties, the competent authorities take into account all relevant circumstances, including:

Amendment

3. Member States shall ensure that, when determining the type and level of penalties, the **relevant** competent authorities take into account all relevant circumstances, including:

Amendment 78

Proposal for a regulation
Article 18 – paragraph 3 – point e

Text proposed by the Commission

(e) the level of cooperation of the hosting service provider with the competent authorities.

Amendment

(e) the level of cooperation of the hosting service provider with the **relevant** competent authorities.

Amendment 79

Proposal for a regulation

Article 18 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the nature and size of the hosting service providers, in particular microenterprises or small-sized enterprises, within the meaning of Commission Recommendation 2003/361/EC.

Amendment 80

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that a systematic failure to comply with obligations pursuant to Article 4(2) is subject to financial penalties of up to **4%** of the hosting service provider's global turnover of the last business year.

4. Member States shall ensure that a systematic failure to comply with obligations pursuant to Article 4(2) is subject to financial penalties of up to **2 %** of the hosting service provider's global turnover of the last business year.

Amendment 81

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 in order to supplement this Regulation with technical requirements for the electronic means to be used by competent authorities for the transmission of removal orders.

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 in order to supplement this Regulation with **the necessary** technical requirements for the electronic means to be used by competent authorities for the transmission of removal orders.

Amendment 82

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt such delegated acts to amend Annexes I, II and III in order to **effectively** address a possible need for improvements regarding the content of removal order forms and of forms to be used to provide information on the impossibility to execute the removal order.

Amendment

2. The Commission shall be empowered to adopt such delegated acts to amend Annexes I, II and III in order to **competently** address a possible need for improvements regarding the content of removal order forms and of forms to be used to provide information on the impossibility to execute the removal order.

Amendment 83

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of application of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Article 19 shall be conferred on the Commission for **a determinate** period of **3 years** from [date of application of this Regulation].

Amendment 84

Proposal for a regulation
Annex III – section B – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) Please provide a description of the actions you intend to take to solve the above-mentioned technical or operational issues in order to comply with the removal order

Justification

This amendment ensures legal consistency with the proposed amendment on Article 4, paragraph 7.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Preventing the dissemination of terrorist content online
References	COM(2018)0640 – C8-0405/2018 – 2018/0331(COD)
Committee responsible Date announced in plenary	LIBE 22.10.2018
Opinion by Date announced in plenary	CULT 22.10.2018
Associated committees - date announced in plenary	31.1.2019
Rapporteur Date appointed	Julie Ward 11.12.2018
Date adopted	11.3.2019
Result of final vote	+: 17 -: 2 0: 1
Members present for the final vote	Andrea Bocskor, Silvia Costa, Petra Kammerevert, Krystyna Łybacka, Svetoslav Hristov Malinov, Luigi Morgano, Momchil Nekov, Michaela Šojdrová, Helga Trüpel, Sabine Verheyen, Julie Ward, Milan Zver
Substitutes present for the final vote	Marie-Christine Boutonnet, Eider Gardiazabal Rubial, Marc Joulaud, Ilhan Kyuchyuk, Emma McClarkin, Martina Michels
Substitutes under Rule 200(2) present for the final vote	Jarosław Wałęsa, Damiano Zoffoli

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

17	+
ALDE	Ilhan Kyuchyuk
ECR	Emma McClarkin
PPE	Andrea Bocskor, Marc Joulaud, Svetoslav Hristov Malinov, Michaela Šojdrová, Sabine Verheyen, Jarosław Wałęsa, Milan Zver
S&D	Silvia Costa, Eider Gardiazabal Rubial, Krystyna Lybacka, Luigi Morgano, Momchil Nekov, Julie Ward, Damiano Zoffoli
VERTS/ALE	Helga Trüpel

2	-
GUE/NGL	Martina Michels
S&D	Petra Kammerevert

1	0
ENF	Marie-Christine Boutonnet

Key to symbols:

+ : in favour

- : against

0 : abstention

4.3.2019

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online
(COM(2018)0640 – C8-0405/2018 – 2018/0331(COD))

Rapporteur for opinion: Julia Reda

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) This Regulation aims at ensuring the smooth functioning of the digital single market in an open and democratic society, by **preventing** the misuse of hosting services for terrorist purposes. The functioning of the digital single market should be improved by reinforcing legal certainty for hosting service providers, reinforcing users' trust in the online

Amendment

(1) This Regulation aims at ensuring the smooth functioning of the digital single market in an open and democratic society, by **addressing** the misuse of hosting services for terrorist purposes. The functioning of the digital single market should be improved by reinforcing legal certainty for hosting service providers, reinforcing users' trust in the online

environment, and by strengthening safeguards to the freedom of expression and information.

environment, and by strengthening safeguards to the freedom of expression and information, ***the right to freedom and pluralism of the media, the freedom to conduct a business and the rights to privacy and protection of personal data.***

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Regulation of hosting service providers can only complement Member States' strategies to address terrorism, which must emphasise offline measures such as investment in social work, de-radicalisation initiatives and engagement with affected communities to achieve a sustainable prevention of radicalisation in society.

Amendment 3

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) Hosting service providers active on the internet play an essential role in the digital economy by connecting business and citizens and by facilitating public debate and the distribution and receipt of information, opinions and ideas, contributing significantly to innovation, economic growth and job creation in the Union. However, their services are in certain cases abused by third parties to carry out illegal activities online. ***Of particular*** concern is the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist content online in order to spread their message, to radicalise and recruit and to

(2) Hosting service providers active on the internet play an essential role in the digital economy by connecting business and citizens and by facilitating public debate and the distribution and receipt of information, opinions and ideas, contributing significantly to innovation, economic growth and job creation in the Union. However, their services are in certain cases abused by third parties to carry out illegal activities online. ***A matter of extreme*** concern is the misuse of hosting service providers by terrorist groups and their supporters to disseminate terrorist content online in order to spread their message, to radicalise, ***disinform*** and

facilitate and direct terrorist activity.

recruit and to facilitate and direct terrorist activity.

Amendment 4

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The presence of terrorist content online has serious negative consequences for users, for citizens and society at large as well as for the online service providers hosting such content, since it undermines the trust of their users and damages their business models. In light of their central role and the technological means and capabilities associated with the services they provide, online service providers have ***particular*** societal responsibilities to protect their services from misuse by terrorists and to help tackle terrorist ***content disseminated*** through their services.

Amendment

(3) The presence of terrorist content online has serious negative consequences for users, for citizens and society at large as well as for the online service providers hosting such content, since it undermines the trust of their users and damages their business models. In light of their central role and ***in proportion to*** the technological means and capabilities associated with the services they provide, online service providers have societal responsibilities to protect their services from misuse by terrorists and to help ***competent authorities to tackle terrorist offences committed through their services, whilst taking into account the fundamental importance of the freedom of expression and information in an open and democratic society.***

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers need to be ***complemented by*** a clear legislative framework in order to further reduce accessibility to terrorist content online and ***adequately address a rapidly evolving problem.*** This legislative framework seeks

Amendment

(4) Efforts at Union level to counter terrorist content online commenced in 2015 through a framework of voluntary cooperation between Member States and hosting service providers need to be ***improved through*** a clear legislative framework in order to further reduce accessibility to terrorist content online and ***in order to put in place urgently needed safeguards to ensure the rule of law and***

to build on voluntary efforts, which were reinforced by the Commission Recommendation (EU) 2018/334⁷ and responds to calls made by the European Parliament to strengthen measures to tackle illegal and harmful content and by the European Council to improve the *automatic* detection and removal of content that incites to terrorist acts.

the protection of fundamental rights. This legislative framework seeks to build on voluntary efforts, which were reinforced by the Commission Recommendation (EU) 2018/334⁷ and responds to calls made by the European Parliament to strengthen measures to tackle illegal and harmful content *in line with the horizontal framework established by Directive 2000/31/EC* and by the European Council to improve the detection and removal of content that incites to terrorist acts.

⁷ Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

⁷ Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Amendment 6

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) ***The application of this Regulation should not affect the application of Article 14 of Directive 2000/31/EC⁸. In particular, any measures taken by the hosting service provider in compliance with this Regulation, including any proactive measures, should not in themselves lead to that service provider losing the benefit of the liability exemption provided for in that provision.*** This Regulation leaves unaffected the powers of national authorities and courts to establish liability of hosting service providers in specific cases where the conditions under ***Article 14*** of Directive 2000/31/EC for liability exemption are not met.

⁸ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of

Amendment

(5) ***This Regulation should lay down specific obligations for hosting service providers, exposed to terrorist content.*** This Regulation should not affect the application of Directive 2000/31/EC⁸. This Regulation leaves unaffected the powers of national authorities and courts to establish liability of hosting service providers in specific cases where the conditions under of Directive 2000/31/EC for liability exemption are not met.

⁸ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of

information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

Amendment 7

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Rules to **prevent the misuse** of hosting services for the dissemination of terrorist content online in order to guarantee the smooth functioning of the internal market are set out in this Regulation in full respect of the fundamental rights protected in the Union's legal order and notably those guaranteed in the Charter of Fundamental Rights of the European Union.

Amendment

(6) Rules to **address the use** of hosting services for the dissemination of terrorist content online in order to guarantee the smooth functioning of the internal market are set out in this Regulation in full respect of the **rule of law and the** fundamental rights protected in the Union's legal order and notably those guaranteed in the Charter of Fundamental Rights of the European Union.

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) This Regulation **contributes** to the protection of public security while establishing appropriate and robust safeguards to ensure protection of the fundamental rights at stake. This includes the rights to respect for private life and to the protection of personal data, the right to effective judicial protection, the right to freedom of expression, including the freedom to receive and impart information, the freedom to conduct a business, and the principle of non-discrimination. Competent authorities and hosting service providers should only adopt measures which are necessary, appropriate and proportionate within a democratic society, taking into account the particular importance accorded

Amendment

(7) This Regulation **aims at contributing** to the protection of public security while establishing appropriate and robust safeguards to ensure protection of the fundamental rights at stake. This includes the rights to respect for private life and to the protection of personal data, the right to effective judicial protection, the right to freedom of expression, including the freedom to receive and impart information, the freedom to conduct a business, and the principle of non-discrimination. Competent authorities and hosting service providers should only adopt measures which are necessary, appropriate and proportionate within a democratic society, taking into account the particular

to the freedom of expression and information, which **constitutes one of** the essential foundations of a pluralist, democratic society, and **is one of** the values on which the Union is founded. Measures **constituting** interference in the freedom of expression and information should be strictly targeted, **in the sense that they must serve to prevent the dissemination** of terrorist **content**, but without thereby affecting the right to lawfully receive and impart information, taking into account the central role of hosting service providers in facilitating public debate and the distribution and receipt of facts, opinions and ideas in accordance with the law.

importance accorded to the freedom of expression and information, **the rights to privacy and to personal data protection as well as the freedom of the press and pluralism of the media**, which **constitute** the essential foundations of a pluralist, democratic society, and **are among** the values on which the Union is founded. Measures **taken to remove terrorist content online should avoid any** interference in the freedom of expression and information **and** should be strictly targeted, **necessary, appropriate and proportionate to help the fight against terrorism, including investigation and prosecution** of terrorist **offences**, but without thereby affecting **freedom of expression**, the right to lawfully receive and impart information, taking into account the central role of hosting service providers in facilitating public debate and the distribution and receipt of facts, opinions and ideas in accordance with the law.

Amendment 9

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) This Regulation should not have the effect of modifying the obligation for Member States to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on the European Union. Those fundamental rights include the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities. Any restrictions to the exercise of these fundamental rights within the framework of this Regulation should be prescribed by law and should be necessary in a democratic society, with the aim of fulfilling the aims of this Regulation.

Amendment 10

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7 b) This Regulation should respect the fundamental rights and observe the principles recognised in the European Convention on Human Rights and in the case-law of the European Court of Justice. In particular, in its judgment of 24 November 2011 the European Court of Justice concluded that Union law, and in particular Directive 2000/31/EC^{1a} and the applicable fundamental rights, precluded an injunction imposed on an Internet service provider to introduce a system for filtering all electronic communications passing via its services, applied indiscriminately to all its customers, as a preventive measure, exclusively at its expense and for an unlimited period.

^{1a} Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')

Amendment 11

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial

(8) The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial

remedy before the competent national court against any of the measures taken pursuant to this Regulation, which can adversely affect the rights of that person. The right includes, in particular the possibility for hosting service providers and content providers to effectively contest the removal orders before the court of the Member State whose authorities issued the removal order.

remedy before the competent national court against any of the measures taken pursuant to this Regulation, which can adversely affect the rights of that person. The right includes, in particular the ***right for the hosting service providers and content providers to be informed about all available means of redress and the possibility for content providers to contest the results of measures taken by the hosting provider, and to be informed of effective means of remedies. It also includes the right*** for hosting service providers and content providers to effectively contest the removal orders ***or penalties*** before the court of the Member State whose authorities issued the removal order ***or penalties, or the court where the hosting service provider or content provider is established or represented.***

Amendment 12

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In order to provide clarity about the actions that both hosting service providers and competent ***authorities*** should take to ***prevent*** the dissemination of terrorist content online, this Regulation should establish a definition of terrorist content ***for preventative purposes drawing on*** the definition of terrorist offences under Directive (EU) 2017/541 of the European Parliament and of the Council⁹. Given the need to address ***the most harmful*** terrorist propaganda online, the definition should capture material and information that incites, ***encourages*** or advocates the commission ***or contribution to*** terrorist offences, provides instructions for the commission of such offences ***or promotes the participation*** in activities of a terrorist group. Such information includes in

Amendment

(9) In order to provide clarity about the actions that both hosting service providers and ***the*** competent ***authority*** should take to ***restrict*** the dissemination of terrorist content online, this Regulation should establish a definition of terrorist content ***in line with*** the definition of terrorist offences under Directive (EU)2017/541 of the European Parliament and of the Council⁹. Given the need to address terrorist propaganda online, the definition should capture material and information that ***intentionally*** incites or advocates the commission ***of*** terrorist offences, ***or intentionally*** provides instructions for ***the making and use of explosives, firearms or other weapons or noxious or hazardous substances for the purpose of*** the commission of such offences, ***knowing***

particular text, images, sound recordings and videos. When assessing whether content constitutes terrorist content within the meaning of this Regulation, competent authorities **as well as hosting service providers** should take into account factors such as the nature and wording of the statements, the context in which the statements were made and their potential to lead to harmful consequences, thereby affecting the security and safety of persons. The fact that the **material was** produced by, **is** attributable to or disseminated on behalf of an EU-listed terrorist organisation or person constitutes an important factor in the assessment. Content disseminated for educational, journalistic or research purposes should be **adequately** protected. Furthermore, the expression of radical, polemic or controversial views in the public debate on sensitive political questions should not be considered terrorist content.

that the skills provided are intended to be used for this purpose, or participates in activities of a terrorist group. Such information includes in particular text, images, sound recordings and videos. When assessing whether content constitutes terrorist content within the meaning of this Regulation, competent authorities should take into account factors such as the nature and wording of the statements, the context in which the statements were made, **their intentionality** and their potential to lead to harmful consequences, thereby affecting the security and safety of persons. The fact that the **content** was produced by, **are** attributable to or disseminated on behalf of an EU-listed terrorist organisation or person constitutes an important factor in the assessment. Content disseminated for educational, **counter-narrative**, journalistic or research purposes should be **strongly** protected. **Where the disseminated material is published under the editorial responsibility of the hosting provider, any decision as to the removal of such content should take into account the journalistic standards established by press or media regulation consistent with the law of the Union and the right to freedom of expression and the right to freedom and pluralism of the media as enshrined in Article 11 of the Charter of Fundamental Rights.** Furthermore, the expression of radical, polemic or controversial views in the public debate on sensitive political questions should not be considered terrorist content. **The right to such expression can be invoked before the court of the Member State where the hosting service provider has its main establishment or where the legal representative designated by the hosting service provider pursuant to this Regulation resides or is established, as well as the court of the Member State where the content provider is based.**

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

Amendment 13

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to cover those online hosting services where terrorist content is disseminated, this Regulation should apply to information society services which store information provided by a recipient of the service at his or her request and in making the information stored available to ***third parties, irrespective of whether this activity is of a mere technical, automatic and passive nature***. By way of example such providers of information society services include social media platforms, video streaming services, video, image and audio sharing services, file sharing and other cloud services to the extent they make the information available ***to third parties and websites where users can make comments or post reviews***. The Regulation should also apply to hosting service providers established outside the Union but offering services within the Union, since a significant proportion of hosting service providers exposed to terrorist content on their services are established in third countries. This should ensure that all companies operating in the Digital Single Market comply with the same requirements, irrespective of their country of establishment. The determination as to whether a service provider offers services in the Union requires an assessment whether the service provider enables legal or natural persons in

Amendment

(10) In order to cover those online hosting services where terrorist content is disseminated, this Regulation should apply ***to the extent that it is possible to identify and remove specific content that is the subject of this Regulation***, to information society services which store information provided by a recipient of the service at his or her request and in making the information stored ***directly*** available to ***the public***. ***The definition of hosting service providers is therefore distinct from and narrower than that employed in Directive 2000/31/EC***. By way of example such providers of information society services include social media platforms, video streaming services, video, image and audio sharing services, file sharing and other cloud services to the extent they make the information ***publicly*** available ***and accelerate the dissemination of content***. ***Providers of services such as online encyclopaedias, educational and scientific repositories, open source software developing platforms, cloud infrastructure service providers and cloud providers (including business-to-business cloud services), should not be considered hosting service providers within the meaning of this Regulation. Mere conduits and other electronic communication services within the meaning of Directive(EU) 2018/1972 or***

one or more Member States to use its services. However, the mere accessibility of a service provider's website or of an email address and of other contact details in one or more Member States taken in isolation should not be a sufficient condition for the application of this Regulation.

providers of caching services, or other services provided in other layers of the Internet infrastructure, such as registries and registrars, DNS (domain name system) or adjacent services, such as payment services or DDoS (distributed denial of service) protection services are excluded from the scope. The Regulation should also apply to hosting service providers established outside the Union but offering services within the Union, since a significant proportion of hosting service providers exposed to terrorist content on their services are established in third countries. This should ensure that all companies operating in the Digital Single Market comply with the same requirements, irrespective of their country of establishment. The determination as to whether a service provider offers services in the Union requires an assessment whether the service provider enables legal or natural persons in one or more Member States to use its services. However, the mere accessibility of a service provider's website or of an email address and of other contact details in one or more Member States taken in isolation should not be a sufficient condition for the application of this Regulation.

Amendment 14

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Hosting service providers should apply certain duties of care, in order to **prevent** the dissemination of terrorist content on their services. These duties of care should not amount to a general **monitoring** obligation. Duties of care should include that, when applying this Regulation, hosting services providers act in a diligent, proportionate and non-discriminatory manner in respect of content

Amendment

(12) Hosting service providers **exposed to terrorist content** should apply certain duties of care, in order to **restrict** the dissemination of terrorist content on their services. These duties of care should not amount to a general **obligation on hosting service providers to monitor the information which they store, nor to a general obligation to actively seek facts or circumstances indicating illegal activity.**

that they store, in particular when implementing their own terms and conditions, with a view to avoiding removal of content which is not terrorist. The removal or disabling of access has to be undertaken in the observance of freedom of expression and information.

Duties of care should include that, when applying this Regulation, hosting services providers act in a **transparent**, diligent, proportionate and non-discriminatory manner in respect of content that they store, in particular when implementing their own terms and conditions, with a view to avoiding removal of content which is not terrorist. The removal or disabling of access has to be undertaken in the observance of freedom of expression and information **and freedom and pluralism of the media**.

Amendment 15

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The procedure and obligations resulting from legal orders requesting hosting service providers to remove terrorist content or disable access to it, following an assessment by the competent authorities, should be harmonised. Member States should **remain free as to the choice of the competent authorities allowing them to designate administrative, law enforcement or judicial authorities with that task. Given the speed at which terrorist content is disseminated across online services, this** provision imposes obligations on hosting service providers to ensure that terrorist content identified in the removal order is removed or access to it is disabled within **one hour from receiving** the removal order. It is for the hosting service providers to decide whether to remove the content in question or disable access to the content **for** users in the Union.

Amendment

(13) The procedure and obligations resulting from legal orders requesting hosting service providers to remove terrorist content or disable access to it, following an assessment by the competent authorities should be harmonised. Member States should **freely designate a single competent authority with that task, unless their constitutional arrangements prevent a single authority from being responsible, whilst at the same time guaranteeing legal certainty and predictability to users and service providers. Where the authority designated for issuing removal orders is of an administrative or law enforcement nature, the Member State should provide for an effective and independent review of removal orders issued by the competent authorities in its Member State. This review would provide a mechanism to assess ex officio (in the absence of a request for review) individual removal orders and rectify any erroneous decisions. This review mechanism complements possibilities for hosting service providers and content providers to seek judicial redress against removal**

*orders addressed to or affecting them. This provision imposes obligations on hosting service providers to ensure that terrorist content identified in the removal order is removed or access to it is disabled within **the period specified by the competent authority. The competent authority should provide the hosting service provider with a defined time limit in the removal order, which should be no shorter than eight hours, taking into account the size and previous exposure to terrorist content of a hosting service provider. Without prejudice to the requirement to preserve data under Article 7 of this Regulation,** it is for the hosting service providers to decide whether to remove the content in question or disable access to the content **or** users in the Union.*

Amendment 16

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) The removal order should include a classification of the relevant content as terrorist content and contain sufficient information so as to locate the content, by providing a URL and any other additional information, such as a screenshot, where obtainable, of the content in question. The competent authority should also provide a supplementary statement of reasons as to why the content is considered terrorist content. The reasons provided need not contain sensitive information, which could jeopardise investigations. The statement of reasons should however allow the hosting service provider and, ultimately, the content provider to effectively exercise their right to judicial redress.

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The competent authority should transmit the removal order directly to the addressee and point of contact by any electronic means capable of producing a written record under conditions that **allow** the service provider **to establish authenticity**, including the accuracy of the date and the time of sending and receipt of the order, such as by secured email and platforms or other secured channels, including those made available by the service provider, in line with the rules protecting personal data. This requirement may notably be met by the use of qualified electronic registered delivery services as provided for by Regulation (EU) 910/2014 of the European Parliament and of the Council¹².

¹² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission

(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

Amendment

(14) The competent authority should transmit the removal order directly to the addressee and point of contact by any electronic means capable of producing a written record under conditions that **establish the authenticity of the order without unreasonable financial or other burden on** the service provider, including the accuracy of the date and the time of sending and receipt of the order, such as by secured email and platforms or other secured channels, including those made available by the service provider, in line with the rules protecting personal data. This requirement may notably be met by the use of qualified electronic registered delivery services as provided for by Regulation (EU) 910/2014 of the European Parliament and of the Council¹².

¹² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

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) 2016/794¹³ remains unaffected.

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 **as foreseen by Regulation (EU) 2016/794**, should remain available in addition to removal orders **provided that the competent authority of the Member State in which the hosting service provider is established verifies swiftly after a referral has been issued whether the content subject to the referral constitutes terrorist content and follows it up by a removal order where appropriate**. It is important that **the competent authorities or Europol provide a detailed assessment and** hosting service providers provide swift feedback about action taken. The ultimate decision about whether or not to remove the content **subject to a referral** remains with the hosting service provider, **unless it gets followed up by a removal order**. In implementing this Regulation related to referrals, Europol's mandate as laid down in Regulation (EU) 2016/794¹³ remains unaffected.

¹³ 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).

¹³ 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).

Amendment 19

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Given the **scale and speed necessary for** effectively identifying and

Amendment

(16) Given the **complexity of** effectively identifying and removing terrorist content

removing terrorist content, proportionate **proactive** measures, **including by using automated means in certain cases, are an essential element in tackling** terrorist content online. With a view to reducing the accessibility of terrorist content on their services, hosting service providers should assess whether it is appropriate to take **proactive** measures depending on the risks and level of exposure to terrorist content as well as to the effects on the rights of third parties and the public interest of information. Consequently, hosting service providers should determine what appropriate, effective and proportionate **proactive** measure should be put in place. This requirement should not imply a general monitoring obligation. **In the context of this assessment, the absence of removal orders and referrals addressed to a hosting provider, is an indication of a low level of exposure to terrorist content.**

at scale and the potential impact on fundamental rights, proportionate **specific** measures **should be taken by hosting service providers depending on the risk and level of exposure, concerning** terrorist content online. **Such obligatory measures should not include the use of content filters or other measures that entail the systematic monitoring of user behaviour. Specific measures could include, for example, systems to allow users to report potential terrorist content or peer-to-peer content moderation.** With a view to reducing the accessibility of terrorist content on their services, hosting service providers should assess whether it is appropriate to take **specific** measures depending on the risks and level of exposure to terrorist content as well as to the effects on the rights of third parties and the public interest of information. Consequently, hosting service providers should determine what **justified**, appropriate, effective and proportionate **specific** measure should be put in place. This requirement should not imply a general monitoring obligation. **This is without prejudice to possible additional voluntary measures taken by the hosting service provider outside the scope of this Regulation.**

Amendment 20

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) When putting in place **proactive** measures, hosting service providers should ensure that users' **right** to freedom of expression and information - including to freely receive and impart information - is preserved. In addition to any requirement laid down in the law, including the legislation on protection of personal data, hosting service providers should act with

Amendment

(17) When putting in place **specific** measures, hosting service providers should ensure that users' **rights** to freedom of expression and information - including to freely receive and impart information - **as well as the right to privacy and personal data protection** is preserved. In addition to any requirement laid down in the law, including the legislation on protection of

due diligence and implement safeguards, including notably human oversight **and** verifications, where appropriate, to avoid any unintended and erroneous decision leading to removal of content that is not terrorist content. ***This is of particular relevance when hosting service providers use automated means to detect terrorist content.*** Any decision to use ***automated means***, whether taken by the hosting service provider itself or pursuant to a request by the competent authority, should be assessed with regard to the reliability of the underlying technology and the ensuing impact on fundamental rights.

personal data, hosting service providers should act with due diligence and implement safeguards, including notably human oversight, ***as well as including*** verifications, where appropriate, to avoid any unintended and erroneous decision leading to removal of content that is not terrorist content. Any decision to use ***measures against terrorist content, including voluntary ones***, whether taken by the hosting service provider itself or pursuant to a request by the competent authority, should be assessed with regard to the reliability of the underlying technology and the ensuing impact on fundamental rights. ***In any case, hosting service providers should undertake a fundamental rights audit for any voluntary or specific measures they use.***

Amendment 21

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In order to ensure that hosting service providers exposed to terrorist content take appropriate measures to ***prevent the misuse of*** their services, the competent authorities should request hosting service providers having received a removal order, which has become final, to report on ***the proactive*** measures taken. ***These could consist of measures to prevent the re-upload of terrorist content, removed or access to it disabled as a result of a removal order or referrals they received, checking against publicly or privately-held tools containing known terrorist content. They may also employ the use of reliable technical tools to identify new terrorist content, either using those available on the market or those developed by the hosting service provider.*** The service provider should report on the specific ***proactive*** measures in place in

Amendment

(18) In order to ensure that hosting service providers exposed to terrorist content take appropriate ***specific*** measures to ***protect*** their services ***against misuse***, the competent authorities should request hosting service providers having received a removal order, which has become final, to report on ***any specific*** measures taken, ***where applicable***. The service provider should report on the specific measures in place in order to allow the competent authority to judge whether the measures are ***necessary***, effective and proportionate and whether, ***the specific measures are based on*** human oversight and verification. In assessing the effectiveness, ***necessity*** and proportionality of the measures, competent authorities should take into account relevant parameters including the number of removal orders and referrals issued to the provider, their economic

order to allow the competent authority to judge whether the measures are effective and proportionate and whether, *if automated means are used, the hosting service provider has the necessary abilities for* human oversight and verification. In assessing the effectiveness and proportionality of the measures, competent authorities should take into account relevant parameters including the number of removal orders and referrals issued to the provider, their economic capacity and the impact of its service in disseminating terrorist content (for example, taking into account the number of users in the Union).

capacity and the impact of its service in disseminating terrorist content (for example, taking into account the number of users in the Union) *as well as the safeguards put in place to protect freedom of expression and information and the number of incidents of restrictions on legal content.*

Amendment 22

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) *Following the request, the competent authority should enter into a dialogue with the hosting service provider about the necessary proactive measures to be put in place. If necessary, the competent authority should impose the adoption of appropriate, effective and proportionate proactive measures where it considers that the measures taken are insufficient to meet the risks. A decision to impose such specific proactive measures should not, in principle, lead to the imposition of a general obligation to monitor, as provided in Article 15(1) of Directive 2000/31/EC. Considering the particularly grave risks associated with the dissemination of terrorist content, the decisions adopted by the competent authorities on the basis of this Regulation could derogate from the approach established in Article 15(1) of Directive 2000/31/EC, as regards certain specific, targeted measures, the adoption of which is necessary for overriding public security reasons. Before adopting such decisions,*

deleted

the competent authority should strike a fair balance between the public interest objectives and the fundamental rights involved, in particular, the freedom of expression and information and the freedom to conduct a business, and provide appropriate justification.

Amendment 23

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19 a) A hosting service provider should be able, at any time, to request the competent authority to review and, where appropriate, to revoke a request pursuant to Article 6(2). The competent authority should provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

Amendment 24

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) The obligation on hosting service providers to preserve removed content and related data, should be laid down for specific purposes **and** limited in time to what is necessary. There is need to extend the preservation requirement to related data to the extent that any such data would otherwise be lost as a consequence of the removal of the content in question. Related data can include data such as ‘subscriber data’, including in particular data pertaining to the identity of the content provider as well as ‘access data’, including for instance data about the date and time of use by the content provider, or the log-in to

(20) The obligation on hosting service providers to preserve removed content and related data, should be laid down for specific purposes, limited in time to what is necessary **and where this involves personal data, ensure it is duly protected.** There is need to extend the preservation requirement to related data to the extent that any such data would otherwise be lost as a consequence of the removal of the content in question. Related data can include data such as ‘subscriber data’, including in particular data pertaining to the identity of the content provider as well as ‘access data’, including for instance data

and log-off from the service, together with the IP address allocated by the internet access service provider to the content provider.

about the date and time of use by the content provider, or the log-in to and log-off from the service, together with the IP address allocated by the internet access service provider to the content provider.

Amendment 25

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Transparency of hosting service providers' policies in relation to terrorist content is essential to enhance their accountability towards their users and to reinforce trust of citizens in the Digital Single Market. Hosting service providers should publish annual transparency reports containing meaningful information about action taken in relation to the detection, identification and removal of terrorist content.

Amendment

(24) Transparency of hosting service providers' policies in relation to terrorist content is essential to enhance their accountability towards their users and to reinforce trust of citizens in the Digital Single Market. Hosting service providers ***exposed to terrorist content*** should publish annual transparency reports containing meaningful information about action taken in relation to the detection, identification and removal of terrorist content ***including voluntary measures as well as the number of contested removals***. ***Hosting service providers should not be required to disclose any source code as part of their transparency reports. Competent authorities should also publish annual transparency reports containing meaningful information on the number of removal orders issued, the number of removals, the number of identified and detected terrorist content removed and the number of contested removals.***

Amendment 26

Proposal for a regulation

Recital 24 a (new)

Text proposed by the Commission

Amendment

(24 a) Content providers whose content has been removed should have a right to an effective remedy in accordance with

Article 19 TEU and Article 47 of the Charter of Fundamental rights of the European Union. Certain hosting providers already use automated tools in order to remove illegal content from their platforms. Such technologies are unable to differentiate terrorist content from content that is legal, such as content that is disseminated for educational, journalistic or research purposes.

Amendment 27

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Complaint procedures constitute a necessary safeguard against erroneous removal of content protected under the freedom of expression and information. Hosting service providers should therefore establish user-friendly complaint mechanisms and ensure that complaints are dealt with promptly and in full transparency towards the content provider. The requirement for the hosting service provider to reinstate the content where it has been removed in error, does not affect the possibility of hosting service providers to enforce their own terms and conditions on other grounds.

Amendment

(25) Complaint procedures constitute a necessary safeguard against erroneous removal of content protected under the freedom of expression and information. Hosting service providers should therefore establish user-friendly complaint mechanisms and ensure that complaints are dealt with promptly and in full transparency towards the content provider ***and this should include information on all effective remedy options, including judicial redress. Content providers should also have the right to complain directly to the competent authority in their own Member State if they are unable to resolve their complaint with a hosting service provider.*** The requirement for the hosting service provider to reinstate the content where it has been removed in error, does not affect the possibility of hosting service providers to enforce their own terms and conditions on other grounds.

Amendment 28

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Effective legal protection according to Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union requires that persons are able to ascertain the reasons upon which the content uploaded by them has been removed or access to it disabled. For that purpose, the hosting service provider should make available to the content provider meaningful information enabling the content provider to contest the decision. ***However, this does not necessarily require a notification to the content provider.*** Depending on the circumstances, hosting service providers may replace content which is considered terrorist content, with a message that it has been removed or disabled in accordance with this Regulation. Further information about the reasons as well as possibilities for the content provider to contest the decision should be given ***upon request***. Where competent authorities decide that for reasons of public security including in the context of an investigation, it is considered ***inappropriate or*** counter-productive to directly notify the content provider of the removal or disabling of content, they should inform the hosting service provider.

Amendment 29

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) It is essential that the competent authority within the Member State responsible for imposing penalties is fully informed about the issuing of removal orders and referrals and subsequent exchanges between the hosting service provider and the relevant competent authority. For that purpose, Member States

Amendment

(26) Effective legal protection according to Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union requires that persons are able to ascertain the reasons upon which the content uploaded by them has been removed or access to it disabled. For that purpose, the hosting service provider should make available to the content provider meaningful information enabling the content provider to contest the decision. Depending on the circumstances, hosting service providers may replace content which is considered terrorist content, with a message that it has been removed or disabled in accordance with this Regulation. Further information about the reasons as well as possibilities for the content provider to contest the decision should be given . Where competent authorities decide that for reasons of public security including in the context of an investigation, it is considered counter-productive to directly notify the content provider of the removal or disabling of content, they should inform the hosting service provider.

Amendment

(29) It is essential that the competent authority within the Member State responsible for imposing penalties is fully informed about the issuing of removal orders and referrals and subsequent exchanges between the hosting service provider and the relevant competent authority. For that purpose, Member States

should ensure appropriate communication channels and mechanisms allowing the sharing of relevant information in a timely manner.

must ensure appropriate communication channels and mechanisms allowing the sharing of relevant information in a timely manner.

Amendment 30

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Both hosting service providers and Member States should establish points of contact to facilitate the swift handling of removal orders and referrals. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and referrals and of technical and personal means allowing for the swift processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled ***within one hour from the*** receipt of a removal order, hosting service providers should ensure that the point of contact is reachable 24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.

Amendment

(33) Both hosting service providers and Member States should establish points of contact to facilitate the swift handling of removal orders and referrals. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and referrals and of technical and personal means allowing for the swift processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled ***as soon as possible after*** receipt of a removal order, hosting service providers should ensure that the point of contact is reachable 24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.

Amendment 31

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) In the absence of a general requirement for service providers to ensure a physical presence within the territory of the Union, there is a need to ensure clarity under which Member State's jurisdiction the hosting service provider offering services within the Union falls. As a general rule, the hosting service provider falls under the jurisdiction of the Member State in which it has its main establishment or in which it has designated a legal representative. ***Nevertheless, where another Member State issues a removal order, its authorities should be able to enforce their orders by taking coercive measures of a non-punitive nature, such as penalty payments. With regards to a hosting service provider which has no establishment in the Union and does not designate a legal representative, any Member State should, nevertheless, be able to issue penalties, provided that the principle of ne bis in idem is respected.***

Amendment 32

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) Those hosting service providers which are not established in the Union, should designate in writing a legal representative in order to ensure the compliance with and enforcement of the obligations under this Regulation.

Amendment

(34) In the absence of a general requirement for service providers to ensure a physical presence within the territory of the Union, there is a need to ensure clarity under which Member State's jurisdiction the hosting service provider offering services within the Union falls. As a general rule, the hosting service provider falls under the jurisdiction of the Member State in which it has its main establishment or in which it has designated a legal representative.

Amendment

(35) Those hosting service providers which are not established in the Union, should designate in writing a legal representative in order to ensure the compliance with and enforcement of the obligations under this Regulation. ***Hosting service providers may make use of an existing legal representative, provided that this legal representative is able to fulfil the functions as set out in this Regulation.***

Amendment 33

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) For the purposes of this Regulation, Member States should designate competent **authorities**. The requirement to designate competent authorities does not necessarily require the establishment of new authorities but can be existing bodies tasked with the functions set out in this Regulation. This Regulation requires designating authorities competent for issuing removal orders, **referrals and for overseeing proactive measures** and for imposing penalties. **It is for Member States to decide how many authorities they wish to designate for these tasks.**

Amendment 34

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Penalties are necessary to ensure the effective implementation by hosting service providers of the obligations pursuant to this Regulation. Member States should adopt rules on penalties, including, where appropriate, fining guidelines. **Particularly severe penalties shall** be ascertained in the event that the hosting service provider systematically fails to remove terrorist content or disable access to it within **one hour from receipt of a removal order. Non-compliance in individual cases could be sanctioned while respecting the principles of ne bis in idem and of proportionality and ensuring that such sanctions take account of systematic failure. In order to ensure legal certainty,**

Amendment

(37) For the purposes of this Regulation, Member States should designate **a single competent authority unless their constitutional arrangements prevent a single authority from being responsible**. The requirement to designate competent authorities does not necessarily require the establishment of new authorities but can be existing bodies tasked with the functions set out in this Regulation. This Regulation requires designating authorities competent for issuing removal orders, and for imposing penalties.

Amendment

(38) Penalties are necessary to ensure the effective implementation by hosting service providers of the obligations pursuant to this Regulation, **and should also take into account the situation of subsidiaries or linked undertakings where applicable**. Member States should adopt rules on penalties, including, where appropriate, fining guidelines. **Penalties should** be ascertained in the event that the hosting service provider systematically fails to remove terrorist content or disable access to it within **the period specified by the competent authority. When assessing the nature of the breach and deciding upon applying penalties, full respect should be given to fundamental rights,**

the regulation should set out to what extent the relevant obligations can be subject to penalties. Penalties for non-compliance with Article 6 should only be adopted in relation to obligations arising from a request to report pursuant to Article 6(2) or a decision imposing additional proactive measures pursuant to Article 6(4). When determining whether or not financial penalties should be imposed, due account should be taken of the financial resources of the provider. Member States **shall** ensure that penalties do not encourage the removal of content which is not terrorist content.

Amendment 35

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) The use of standardised templates facilitates cooperation and the exchange of information between competent authorities and service providers, allowing them to communicate more quickly and effectively. It is particularly important to ensure swift action following the receipt of a removal order. Templates reduce translation costs and contribute to a high quality standard. Response forms similarly should allow for a standardised exchange of information, and this will be particularly important where service providers are unable to comply. Authenticated submission channels can guarantee the authenticity of the removal order, including the accuracy of the date and the time of sending and receipt of the order.

Amendment 36

Proposal for a regulation Recital 41

such as the freedom of expression. When determining whether or not financial penalties should be imposed, due account should be taken of the financial resources of the provider, **unintentional delays, in particular by small and medium sized businesses and start-ups.** Member States **should** ensure that penalties do not encourage the removal of content which is not terrorist content.

Amendment

(39) The use of standardised templates facilitates cooperation and the exchange of information between competent authorities and service providers, allowing them to communicate more quickly and effectively. It is particularly important to ensure swift action following the receipt of a removal order, **depending on the size and means of the hosting service provider.** Templates reduce translation costs and contribute to a high quality standard. Response forms similarly should allow for a standardised exchange of information, and this will be particularly important where service providers are unable to comply. Authenticated submission channels can guarantee the authenticity of the removal order, including the accuracy of the date and the time of sending and receipt of the order.

Text proposed by the Commission

(41) Member States should collect information on the implementation of the legislation. A detailed programme for monitoring the outputs, results and impacts of this Regulation should be established in order to inform an evaluation of the legislation.

Amendment

(41) Member States should collect information on the implementation of the legislation ***including information on the number of cases of successful detection, investigation and prosecution of terrorist offences as a consequence of this Regulation.*** A detailed programme for monitoring the outputs, results and impacts of this Regulation should be established in order to inform an evaluation of the legislation.

Amendment 37

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Based on the findings and conclusions in the implementation report and the outcome of the monitoring exercise, the Commission should carry out an evaluation of this Regulation no sooner than three years after its entry into force. The evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU added value. It will assess the functioning of the different operational and technical measures foreseen under the Regulation, including the effectiveness of measures to enhance the detection, identification and removal of terrorist content, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected rights ***and interests of third parties, including a review of the requirement to inform content providers.***

Amendment

(42) Based on the findings and conclusions in the implementation report and the outcome of the monitoring exercise, the Commission should carry out an evaluation of this Regulation no sooner than three years after its entry into force. The evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU added value. It will assess the functioning of the different operational and technical measures foreseen under the Regulation, including the effectiveness of measures to enhance the detection, identification and removal of terrorist content, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected ***fundamental rights, especially the freedom of expression and information, the right to privacy and protection of personal data.***

Amendment 38

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation lays down uniform rules to **prevent** the misuse of hosting services for the dissemination of terrorist content online. It lays down in particular:

Amendment

1. This Regulation lays down uniform rules to **address** the misuse of hosting services for the dissemination of terrorist content online. It lays down in particular:

Amendment 39

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) rules on duties of care to be applied by hosting service providers **in order to prevent the dissemination of** terrorist content **through their services and** ensure, where necessary, its swift removal;

Amendment

(a) rules on duties of care to be applied by hosting service providers **that are exposed to** terrorist content, **in order to** ensure, where necessary, its swift removal;

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) a set of measures to be put in place by Member States to identify terrorist content, to enable its swift removal by hosting service providers and to facilitate cooperation with the competent authorities in other Member States, hosting service providers and where appropriate relevant Union bodies.

Amendment

(b) a set of measures to be put in place by Member States to identify terrorist content, to enable its swift removal by hosting service providers and to facilitate cooperation with the competent authorities in other Member States, hosting service providers and where appropriate relevant Union bodies **in order to coordinate actions combating online terrorist content.**

Amendment 41

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation shall apply to hosting service providers offering services in the Union, irrespective of their place of main establishment.

2. This Regulation shall apply to **exposed** hosting service providers offering services in the Union, irrespective of their place of main establishment.

Amendment 42

Proposal for a regulation

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The application of this Regulation shall be subject to Union law regarding fundamental rights, freedoms and values as enshrined in particular in Articles 2 and 6 of the Treaty on the European Union and shall not have the effect of modifying the obligations resulting therefrom. Member States may establish conditions required by, and in accordance with fundamental principles relating to freedom of the press and freedom and pluralism of the media.

Amendment 43

Proposal for a regulation

Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. This Regulation is without prejudice to Directive 2000/31/EC.

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) 'hosting service provider' means a

(1) 'hosting service provider' means a

provider of information society services **consisting** in the storage of information provided by and at the request of the content provider and in **making** the information stored **available to third parties**;

provider of information society services **whose business activity consists** in the storage **and processing** of information provided by and at the request of the content provider and in **disseminating** the information stored **to the public, and for which it is possible to identify and remove specific content**;

In particular, for the purpose of this Regulation, providers of services at other layers of the Internet infrastructure than the application layer, and cloud IT infrastructure service providers shall not be considered as hosting service providers;

Amendment 45

Proposal for a regulation Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'terrorist offences' means **offences as defined** in Article 3(1) of Directive (EU) 2017/541;

Amendment

(4) 'terrorist offences' means **one of the intentional acts as listed** in Article 3(1) of Directive (EU) 2017/541;

Amendment 46

Proposal for a regulation Article 2 – paragraph 1 – point 5 – introductory part

Text proposed by the Commission

(5) 'terrorist content' means one or more of the following **information**:

Amendment

(5) 'terrorist content' means **information or material that constitutes** one or more of the following **offences committed intentionally as defined in Articles 3 to 7 in Directive 2017/541, in particular by**:

Amendment 47

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Text proposed by the Commission

(a) inciting **or advocating, including by glorifying**, the commission of terrorist offences, thereby causing a danger that **such acts** be committed;

Amendment

(a) inciting **the commission of one of the offences listed in points (a) to (i) of Article 3(1) of Directive (EU) 2017/541, where such conduct, directly or indirectly, such as by the glorification of terrorist acts, advocates** the commission of terrorist offences, thereby causing a danger that **one or more such offences may** be committed;

Amendment 48

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Text proposed by the Commission

(b) **encouraging the contribution to terrorist** offences;

Amendment

(b) **soliciting another person to commit or contribute to the commission of one of the offences listed in points (a) to (i) of Article 3(1), or in Article 4 of Directive (EU) 2017/541;**

Amendment 49

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Text proposed by the Commission

(c) **promoting** the activities of a terrorist group, **in particular by encouraging the participation in or support to a** terrorist group within the meaning of Article 2(3) of Directive (EU) 2017/541;

Amendment

(c) **participating in** the activities of a terrorist group, **including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the** terrorist group, within the meaning of Article 4 of Directive (EU)2017/541;

Amendment 50

Proposal for a regulation

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Article 2 – paragraph 1 – point 5 – point d

Text proposed by the Commission

(d) ***instructing on*** methods or techniques for the purpose of committing terrorist offences.

Amendment

(d) ***providing instruction on the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or on other specific*** methods or techniques for the purpose of committing ***or contributing to the commission of, one of the*** terrorist offences ***listed in points (a) to (i) of Article 3(1) of Directive (EU) 2017/541, knowing that the skills provided are intended to be used for this purpose, is punishable as a criminal offence when committed intentionally.***

Amendment 51

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘dissemination of terrorist content’ means making terrorist content available to third parties on the hosting service providers’ services;

Amendment

(6) ‘dissemination of terrorist content’ means making terrorist content ***publicly*** available to third parties on the hosting service providers’ services. ***Content disseminated for educational, scientific or documentary purposes, and for purposes for anti-radicalisation. and counter-narratives shall be adequately protected;***

Amendment 52

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9 a) ‘competent authority’ means a single designated national judicial authority in the Member State, or an administrative authority.

Amendment 53

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Hosting service providers shall take appropriate, reasonable and proportionate actions in accordance with this Regulation, against the dissemination of terrorist content and to protect users from terrorist content. In doing so, they shall act in a diligent, proportionate and non-discriminatory manner, and with due regard to the fundamental rights of the users and take into account the fundamental importance of the freedom of expression and information in an open and democratic society.

Amendment

1. Hosting service providers ***that are exposed to terrorist content*** shall take appropriate, reasonable and proportionate actions in accordance with this Regulation, against the dissemination of terrorist content and to protect users from terrorist content. In doing so, they shall act in a diligent, proportionate and non-discriminatory manner, and with due regard ***in all circumstances*** to the fundamental rights of the users and take into account the fundamental importance of the freedom of expression and information in an open and democratic society. ***Those actions shall not amount to a general obligation on hosting service providers to monitor the information, which they store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.***

Amendment 54

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. ***Hosting service providers shall include in their terms and conditions, and apply, provisions to prevent the dissemination of terrorist content.***

Amendment

deleted

Amendment 55

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 **and shall immediately inform the competent authorities of any other Member States whose interests it considers may be affected by the issuing of that removal order.**

Amendment 56

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that removal orders issued by an administrative authority are subject to a review by an independent judicial authority to assess the conformity with the definition of terrorist content pursuant to Article 2(5) and to revoke the removal order where appropriate.

Amendment 57

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Hosting service providers shall remove terrorist content or disable access to it **within one hour from receipt of** the removal order.

2. Hosting service providers shall remove terrorist content or disable access to it **expeditiously. The competent authority shall set a deadline for compliance with the removal order that shall be no shorter than eight hours. When setting the deadline, the competent authority shall take due account of the size and resources of the hosting service provider, in particular that SMEs may**

require a longer time limit to comply with the removal order. In any event, the deadline shall be no sooner than the end of the next working day for hosting service providers that have not previously been subject to a removal order and are microenterprises as defined in the Commission Recommendation 2003/361/EC, including sole traders.

Amendment 58

Proposal for a regulation

Article 4 – paragraph 3 – point b

Text proposed by the Commission

(b) a statement of reasons explaining why the content is considered terrorist content, **at least, by** reference to the categories of terrorist content listed in Article 2(5);

Amendment

(b) a **detailed** statement of reasons explaining why the content is considered terrorist content, **by specific** reference to the categories of terrorist content listed in Article 2(5) **and substantiating the elements of unlawfulness and intentionality and the relevant national law**;

Amendment 59

Proposal for a regulation

Article 4 – paragraph 3 – point f

Text proposed by the Commission

(f) information about redress available to the hosting service provider and to the content provider;

Amendment

(f) information about **redress and deadline available for** redress available to the hosting service provider and to the content provider;

Amendment 60

Proposal for a regulation

Article 4 – paragraph 3 – point g

Text proposed by the Commission

(g) where **relevant**, the decision not to

Amendment

(g) where **necessary and appropriate**,

disclose information about the removal of terrorist content or the disabling of access to it referred to in Article 11.

the decision not to disclose information about the removal of terrorist content or the disabling of access to it referred to in Article 11.

Amendment 61

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. Upon request by the hosting service provider or by the content provider, the competent authority shall provide a detailed statement of reasons, without prejudice to the obligation of the hosting service provider to comply with the removal order within the deadline set out in paragraph 2.

Amendment

deleted

Amendment 62

Proposal for a regulation Article 4 – paragraph 8

Text proposed by the Commission

8. If the hosting service provider cannot comply with the removal order **because** the removal order contains manifest errors or does not contain sufficient information to execute the order, it shall inform the competent authority **without undue delay**, asking for the necessary clarification, using the template set out in Annex III. The **deadline set out in paragraph 2** shall **apply** as soon as the clarification is provided.

Amendment

8. If the hosting service provider cannot comply with the removal order **in instances when** the removal order contains manifest errors or does not contain sufficient information to execute the order, it shall inform the competent authority **immediately**, asking for the necessary clarification, using the template set out in Annex III. The **hosting service provider** shall **remove the terrorist content or disable access to it expeditiously** as soon as the clarification **to the removal order** is provided.

Amendment 63

Proposal for a regulation Article 4 – paragraph 9

Text proposed by the Commission

9. The competent authority which issued the removal order shall inform the competent authority which oversees the implementation of **proactive** measures, referred to in Article 17(1)(c) when the removal order becomes final. A removal order becomes final where it has not been appealed within the deadline according to the applicable national law or where it has been confirmed following an appeal.

Amendment 64

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

9. The competent authority which issued the removal order shall inform the competent authority which oversees the implementation of **specific** measures, referred to in Article 17(1)(c) when the removal order becomes final. A removal order becomes final where it has not been appealed **and redress has not been sought** within the deadline according to the applicable national law or where it has been confirmed following an appeal.

Amendment

Article 4 a

Cross-border cooperation related to removal orders

1. The competent authority issuing the removal order to the hosting service provider shall submit immediately a copy of that 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 or its designated representative is located.

2. In cases where the competent authority of the Member State in which the main establishment of the hosting service provider, its designated representative or the content provider is located has reasonable grounds to believe that the removal order may affect fundamental rights of the individual, it shall inform the requesting competent authority.

3. The requesting competent authority shall take those circumstances

into account and shall, where necessary, withdraw or adapt the removal request.

Amendment 65

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *Hosting service providers shall put in place operational and technical measures facilitating the expeditious assessment of content that has been sent by competent authorities and, where applicable, relevant Union bodies for their voluntary consideration.*

deleted

Amendment 66

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The referral shall be addressed to the main establishment of the hosting service provider or to the legal representative designated by the service provider pursuant to Article 16 and transmitted to the point of contact referred to in Article 14(1). Such referrals shall be sent by electronic means.

3. The referral shall be addressed to the main establishment of the hosting service provider or to the legal representative designated by the service provider pursuant to Article 16 and transmitted to the point of contact referred to in Article 14(1). Such referrals shall be sent by electronic means. ***The referral shall also be sent to the competent authority of the Member State in which the main establishment of the hosting service provider or its designated representative is located.***

Amendment 67

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. The referral shall contain **sufficiently** detailed information, including **the** reasons why the content is considered terrorist content, a URL and, where necessary, additional information enabling the identification of the terrorist content referred.

Amendment

4. The referral shall contain detailed information, including **a detailed statement of** reasons why the content is considered terrorist content, a URL, **screenshots where obtainable** and, where necessary, additional information enabling the identification of the terrorist content referred.

Amendment 68

**Proposal for a regulation
Article 5 – paragraph 5**

Text proposed by the Commission

5. The hosting service provider **shall, as a matter of priority, assess the content identified in the referral against its own terms and conditions and decide whether to** remove that content or **to** disable access to it.

Amendment

5. The hosting service provider **may** remove that content or disable access to it **until the decision by the competent authority pursuant to paragraph 6a is made final.**

Amendment 69

**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 inform the competent authority or relevant Union body of any action taken as a result of the referral, **including when no action has been taken.**

Amendment 70

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

Text proposed by the Commission

Amendment

6 a. *The competent authority of the Member State in which the main establishment of the hosting service provider or its designated representative is located shall without undue delay assess whether the content that is subject to the referral constitutes terrorist content within the meaning of this Regulation. Following the assessment, the competent authority shall without undue delay either inform the hosting service provider that the content was deemed not to be terrorist content, or issue a removal order pursuant to Article 4.*

Amendment 71

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

Text proposed by the Commission

Amendment

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

Amendment 72

Proposal for a regulation Article 5 – paragraph 7

Text proposed by the Commission

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 relevant Union body, setting out what further information or clarification is required.*

deleted

Amendment 73

Proposal for a regulation

Article 6 – title

Text proposed by the Commission

Amendment

Proactive measures

Specific measures

Amendment 74

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Hosting service providers shall, where appropriate ***and depending on the risk and level of exposure, take proportionate specific*** measures to protect their services against the dissemination of terrorist content ***that fully respect*** the fundamental rights of the users, and the fundamental importance of the freedom of expression and information ***as well as the right to privacy and protection of personal data*** in an open and democratic society. ***Such measures may include systems to allow users to report potential terrorist content or peer-to-peer content moderation. Such measures shall be taken in accordance with Article 3(1) and in particular shall not include automated content filters or other measures that entail the systematic monitoring of user behaviour. They shall be targeted and proportionate, taking into account the risk and level of exposure to terrorist content, and must respect the constitutional arrangements of the Member State in which the main establishment of the hosting service provider or its designated representative is located. . This paragraph is without prejudice to possible additional voluntary measures taken by the hosting service provider outside the scope of this Regulation.***

Amendment 75

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

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:**

Amendment

Where it has been informed according to Article 4(9), the competent authority **of the Member State in which the main establishment of the hosting service provider or its designated representative is located** referred to in Article 17(1)(c) shall request the hosting service provider to submit a report, within **six** months after receipt of the request and thereafter at least on an annual basis, on the specific measures it has taken.

Amendment 76

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

deleted

Amendment 77

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) detecting, identifying and expeditiously removing or disabling access to terrorist content.

Amendment

deleted

Amendment 78

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The reports shall include all relevant information allowing the competent authority referred to in Article 17(1)(c) to assess whether the **proactive** measures are **effective** and proportionate, **including to evaluate the functioning of any automated tools used as well as the** human oversight and **verification** mechanisms employed.

Amendment

The reports shall include all relevant information allowing the competent authority referred to in Article 17(1)(c) to assess whether the **specific** measures are **targeted** and proportionate **and whether the specific measures are based on** human oversight and **whether effective** mechanisms **to protect users' fundamental rights are** employed.

Amendment 79

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. **Where the competent authority referred to in Article 17(1)(c) considers that the proactive measures taken and reported under paragraph 2 are insufficient in mitigating and managing the risk and level of exposure, it may request the hosting service provider to take specific additional proactive measures. For that purpose, the hosting service provider shall cooperate with the competent authority referred to in Article 17(1)(c) with a view to identifying the specific measures that the hosting service provider shall put in place, establishing key objectives and benchmarks as well as timelines for their implementation.**

Amendment

deleted

Amendment 80

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. *Where no agreement can be reached within the three months from the request pursuant to paragraph 3, the competent authority referred to in Article 17(1)(c) may issue a decision imposing specific additional necessary and proportionate proactive measures. The decision shall take into account, in particular, the economic capacity of the hosting service provider and the effect of such measures on the fundamental rights of the users and the fundamental importance of the freedom of expression and information. Such a decision shall be sent to the main establishment of the hosting service provider or to the legal representative designated by the service provider. The hosting service provider shall regularly report on the implementation of such measures as specified by the competent authority referred to in Article 17(1)(c).*

deleted

Amendment 81

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. A hosting service provider may, at any time, request the competent authority referred to in Article 17(1)(c) *a* review and, where appropriate, to revoke a request or decision pursuant to *paragraphs 2, 3, and 4 respectively*. The competent authority shall provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

5. A hosting service provider may, at any time, request the competent authority referred to in Article 17(1)(c) *to* review and, where appropriate, to revoke a request or decision pursuant to *paragraph 2*. The competent authority shall provide a reasoned decision within a reasonable period of time after receiving the request by the hosting service provider.

Amendment 82

Proposal for a regulation Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Hosting service providers shall preserve terrorist content which has been removed or disabled as a result of a removal order, a referral or as a result of **proactive** measures pursuant to Articles 4, 5 and 6 and related data removed as a consequence of the removal of the terrorist content and which is necessary for:

Amendment 83

Proposal for a regulation

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment 84

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. The terrorist content and related data referred to in paragraph 1 shall be preserved for six months. The terrorist content shall, upon request from the competent authority or court, be preserved for a longer period when and for as long as necessary for ongoing proceedings of administrative or judicial review referred to in paragraph 1(a).

Amendment 85

Proposal for a regulation

Article 8 – paragraph 1

Amendment

1. Hosting service providers shall preserve terrorist content which has been removed or disabled as a result of a removal order, a referral or as a result of **specific** measures pursuant to Articles 4, 5 and 6 and related data removed as a consequence of the removal of the terrorist content and which is necessary for:

Amendment

(b a) remedying complaints following the mechanism described in Article 10.

Amendment

2. The terrorist content and related data referred to in paragraph 1 shall be preserved for six months. The terrorist content shall, upon request from the competent authority or court, be preserved for a **specifically defined** longer period when and for as long as necessary for **investigation or prosecution of terrorist offences or** ongoing proceedings of administrative or judicial review referred to in paragraph 1(a).

Text proposed by the Commission

1. Hosting service providers shall **set out** in their terms and conditions their policy to **prevent the dissemination of** terrorist content, including, **where appropriate**, a meaningful explanation of the functioning of **proactive** measures including the use of automated tools.

Amendment

1. Hosting service providers shall **explain in a clear manner** in their terms and conditions their policy, **with regard to** terrorist **content and protection of users from such** content, including, a meaningful explanation of the functioning of **specific** measures, **as well as any additional voluntary measures a hosting service provider may employ in addition to its obligations under this Regulation**, including the use of automated tools **where applicable, as well as a description of the complaint mechanism available for content providers in accordance with Article 10.**

Amendment 86

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall **publish** annual transparency reports on action taken against the dissemination of terrorist content.

Amendment

2. Hosting service providers, **unless there has been no specific action required by them under this Regulation in any given year, and competent authorities and relevant Union bodies shall make publicly available** annual transparency reports on action taken against the dissemination of terrorist content.

Amendment 87

Proposal for a regulation
Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. Transparency reports shall include at least the following information:

Amendment

3. Transparency reports **of hosting service providers** shall include at least the following information:

Amendment 88

Proposal for a regulation

Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) information about the hosting service provider's measures in relation to the detection, identification and removal of terrorist content;

Amendment

(a) information about the hosting service provider's measures in relation to the detection, identification and removal of terrorist content, ***including voluntary measures***;

Amendment 89

Proposal for a regulation

Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) ***information about the hosting service provider's measures to prevent 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;***

Amendment

deleted

Amendment 90

Proposal for a regulation

Article 8 – paragraph 3 – point c

Text proposed by the Commission

(c) number of pieces of terrorist content removed or to which access has been disabled, following removal orders, referrals, or ***proactive*** measures, respectively;

Amendment

(c) number of pieces of terrorist content removed or to which access has been disabled, following removal orders, referrals, or ***specific measures pursuant to this Regulation, as well as voluntary*** measures, respectively;

Amendment 91

Proposal for a regulation

Article 8 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) overview and outcome of complaint procedures.

(d) overview and outcome of complaint procedures ***including the number of cases in which it was established that content was wrongly identified as terrorist content;***

Amendment 92

Proposal for a regulation

Article 8 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(d a) Transparency reports of competent authorities and relevant Union bodies shall include information on the number of removal orders and referrals issued, including information on the number of removals that led to successful detection, investigation and prosecution of terrorist offences, and on their use of the terrorist content, which has been preserved pursuant to Article 7 for the prevention, detection, investigation and prosecution of terrorist offences.

Amendment 93

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Appeal and redress

Member States shall ensure that a content provider or a hosting service provider can appeal a removal order as referred to in Article 4(9) by seeking redress in front of the relevant judicial authority in the Member State in which the content provider is located or in which the main establishment of the hosting service

provider or legal representative designated by the hosting service provider pursuant to Article 16 resides or is established.

Amendment 94

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Safeguards regarding *the use and implementation of proactive measures*

Amendment

Safeguards regarding *content removal*

Amendment 95

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Where hosting service providers use *automated tools* pursuant to this Regulation in respect of content that they store, they shall provide effective and appropriate safeguards to ensure that decisions taken concerning that content, in particular decisions to remove or disable content considered to be terrorist content, are accurate and well-founded.

Amendment

1. Where hosting service providers use *voluntary measures* pursuant to *or measures otherwise in pursuit of the aims of* this Regulation in respect of content that they store, they shall provide effective and appropriate safeguards to ensure that decisions taken concerning that content, in particular decisions to remove or disable content considered to be terrorist content, are accurate and well-founded, *and do not lead to the removal or disabling of access to content that is not terrorist content.*

Amendment 96

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Safeguards shall consist, in particular, of human oversight and verifications *where appropriate and, in any event, where a detailed assessment of*

Amendment

2. Safeguards shall consist, in particular, of human oversight and verifications *of the appropriateness of the decision to remove or disable access to*

the *relevant context is required in order to determine whether or not the content is to be considered terrorist content.*

content, *in particular with regard to the right to freedom of expression and information.*

Amendment 97

Proposal for a regulation Article 10 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Content providers, whose content has been removed or access to it has been disabled, shall have the right to an effective remedy in accordance with Article 19 TEU and Article 47 of the Charter of Fundamental rights of the European Union.

Amendment 98

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Hosting service providers shall establish effective and accessible mechanisms allowing content providers whose content has been removed or access to it disabled as a result of a referral pursuant to Article 5 *or of proactive* measures pursuant to Article 6, to submit a complaint against the action of the hosting service provider requesting reinstatement of the content.

1. Hosting service providers shall establish effective and accessible mechanisms allowing content providers whose content has been removed or access to it disabled as a result of a **removal order pursuant to Article 4, a** referral pursuant to Article 5, **specific** measures pursuant to Article 6 **or of additional voluntary measures**, to submit a complaint against the action of the hosting service provider requesting reinstatement of the content. **Safeguards relating to removal or disabling of access shall also include the possibility of judicial redress.**

Amendment 99

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Hosting service providers shall promptly examine every complaint that they receive and reinstate the content without undue delay where the removal or disabling of access was unjustified. They shall inform the complainant about the outcome of the examination.

Amendment

2. Hosting service providers shall promptly examine every complaint that they receive and reinstate the content without undue delay where the removal or disabling of access was unjustified. They shall inform the complainant about the outcome of the examination ***without undue delay and no later than two weeks from the receipt of the complaint, unless national law provides for a different deadline.***

Amendment 100

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

1. Where hosting service providers ***removed*** terrorist content or disable access to it, they shall make available to the content provider information on the removal or disabling of access to terrorist content.

Amendment

1. Where hosting service providers ***remove*** terrorist content or disable access to it, they shall make available to the content provider ***comprehensive*** information on the removal or disabling of access to terrorist content ***provided to them by the competent authority in line with Article 4(3), including the legal basis establishing that it is terrorist content and possibilities to contest the decision including formal requirements, the description of the next steps of the procedure and related timeframes.***

Amendment 101

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. ***Upon request of the content provider, the hosting service provider***

Amendment

deleted

shall inform the content provider about the reasons for the removal or disabling of access and possibilities to contest the decision.

Amendment 102

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The obligation pursuant to **paragraphs 1 and 2** shall not apply where the competent authority decides that there should be no disclosure for reasons of public security, such as the prevention, investigation, detection and prosecution of terrorist offences, for as long as necessary, but not exceeding [four] weeks from that decision. In such a case, the hosting service provider shall not disclose any information on the removal or disabling of access to terrorist content.

Amendment

3. The obligation pursuant to **paragraph 1** shall not apply where the competent authority decides that there should be no disclosure for reasons of public security, such as the prevention, investigation, detection and prosecution of terrorist offences, for as long as necessary, but not exceeding [four] weeks from that decision. In such a case, the hosting service provider shall not disclose any information on the removal or disabling of access to terrorist content.

Amendment 103

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Where hosting service providers become aware of **any evidence** of terrorist offences, they shall promptly inform **authorities** competent for the investigation and prosecution in criminal offences in the concerned Member State or the point of contact in the Member State pursuant to Article 14(2), where they have their main establishment or a legal representative. Hosting service providers may, in case of doubt, transmit this information to Europol for appropriate follow up.

Amendment

4. Where hosting service providers become aware of **an imminent threat to life or lives as a result** of terrorist offences, they shall promptly inform **the authority** competent for the investigation and prosecution in criminal offences in the concerned Member State or the point of contact in the Member State pursuant to Article 14(2), where they have their main establishment or a legal representative. Hosting service providers may, in case of doubt, transmit this information to Europol for appropriate follow up.

Amendment 104

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall establish a point of contact to handle requests for clarification and feedback in relation to removal orders and referrals issued by them. Information about the contact **point** shall be made publicly available.

Amendment

3. Member States shall establish a point of contact to handle requests for clarification and feedback in relation to removal orders and referrals issued by them. ***A database with*** information about the contact ***points in Member States*** shall be made publicly available ***by the European Commission.***

Amendment 105

Proposal for a regulation
Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall designate ***the*** authority ***or authorities*** competent to

Amendment

1. Each Member State shall designate ***a single*** authority ***for the purpose of implementing this Regulation unless their constitutional arrangements prevent a single authority from being responsible.*** ***That authority shall be*** competent to:

Amendment 106

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) issue removal orders pursuant to Article 4;

Amendment

(a) issue removal orders pursuant to Article 4, ***subject to independent judicial review in the case of administrative authorities;***

Amendment 107

Proposal for a regulation
Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) detect, identify and refer terrorist content to hosting service providers pursuant to Article 5;

Amendment

(b) detect, identify and refer **potential** terrorist content to hosting service providers pursuant to Article 5 **while the assessment of whether it meets the definition of terrorist content is pending**;

Amendment 108

Proposal for a regulation

Article 17 – paragraph 1 – point c

Text proposed by the Commission

(c) oversee the implementation of **proactive** measures pursuant to Article 6;

Amendment

(c) oversee the implementation of **specific** measures pursuant to Article 6 **as well as voluntary measures referred to in Article 9**;

Amendment 109

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. By [six months after the entry into force of this Regulation] at the latest Member States shall notify the Commission of the competent **authorities** referred to in paragraph 1. The Commission shall publish the notification and any modifications of it in the Official Journal of the European Union.

Amendment

2. By [six months after the entry into force of this Regulation] at the latest Member States shall notify the Commission of the competent **authority** referred to in paragraph 1. The Commission shall publish the notification and any modifications of it in the Official Journal of the European Union.

Amendment 110

Proposal for a regulation

Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall lay down the rules on penalties applicable to breaches of

Amendment

1. Member States shall lay down the rules on penalties applicable to **systematic**

the obligations by hosting service providers under this Regulation and shall take all necessary measures to ensure that they are implemented. Such penalties shall be limited to infringement of the obligations pursuant to:

and ongoing breaches of the obligations by hosting service providers **or their representatives** under this Regulation and shall take all necessary measures to ensure that they are implemented. Such penalties shall be limited to infringement of the obligations pursuant to:

Amendment 111

Proposal for a regulation Article 18 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) Article 3(2) (*hosting service providers' terms and conditions*);

deleted

Amendment 112

Proposal for a regulation Article 18 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) Article 5(5) **and (6)** (assessment of and feedback on referrals);

(c) Article 5(6)(assessment of and feedback on referrals);

Amendment 113

Proposal for a regulation Article 18 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) Article 6(2) **and (4)** (reports on *proactive measures and the adoption of measures following a decision imposing specific proactive measures*);

(d) Article 6(2) (reports on *specific measures*);

Amendment 114

Proposal for a regulation Article 18 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) Article 9 (safeguards in relation to ***proactive measures***);

(g) Article 9 (safeguards in relation to ***content removal***);

Amendment 115

Proposal for a regulation Article 18 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) previous breaches by the legal person held responsible;

(c) previous breaches by the legal person held responsible, ***a subsidiary or linked person or undertaking***;

Amendment 116

Proposal for a regulation Article 18 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) the financial strength of the legal person held liable;

(d) the financial strength of the legal person held liable, ***a subsidiary or linked person or undertaking***;

Amendment 117

Proposal for a regulation Article 18 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) the level of cooperation of the hosting service provider with the competent authorities.

(e) the level of cooperation of the hosting service provider, ***or their representatives***, with the competent authorities;

Amendment 118

Proposal for a regulation Article 18 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(e a) unintentional delays, in particular by small and medium sized businesses and start-ups.

Amendment 119

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that a systematic failure to comply with obligations pursuant to Article 4(2) is subject to financial penalties of up to 4% of the hosting service provider's global turnover of the last business year.

4. Member States shall ensure that a systematic failure to comply with obligations pursuant to Article 4(2) is subject to financial penalties of **at least 1% and** up to 4% of the hosting service provider's global turnover of the last business year.

Amendment 120

Proposal for a regulation Article 21 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall collect from their competent authorities and the hosting service providers under their jurisdiction and send to the Commission every year by [31 March] information about the actions they have taken in accordance with this Regulation. That information shall include:

1. Member States shall collect from their competent authorities and the hosting service providers under their jurisdiction and send to the Commission every year by [31 March] information about the actions they have taken in accordance with this Regulation. That information shall include **policies, terms and conditions and transparency reports of hosting service providers in addition to:**

Amendment 121

Proposal for a regulation Article 21 – paragraph 1 – point b

Text proposed by the Commission

(b) information about the specific **proactive** measures taken pursuant to **Article 6**, including the amount of terrorist content which has been removed or access to it disabled and the corresponding **timeframes**;

Amendment

(b) information about the specific measures taken pursuant to **Articles 4 and 6**, including the amount of terrorist content which has been removed or access to it disabled and the corresponding **information on the number of cases of successful detection, investigation and prosecution of terrorist offences**;

Amendment 122

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

No sooner than [three years from the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and submit a report to the European Parliament and to the Council on the application of this Regulation including the functioning of the effectiveness of the safeguard mechanisms. Where appropriate, the report shall be accompanied by legislative proposals. Member States shall provide the Commission with the information necessary for the preparation of the report.

Amendment

The Commission shall carry out an evaluation of this Regulation [at the latest, three years from the date of application of this Regulation], and submit a report to the European Parliament and to the Council on the application of this Regulation including the functioning of the effectiveness of the safeguard mechanisms. **The report shall also cover the impact of this Regulation on freedom of expression and information.** Where appropriate, the report shall be accompanied by legislative proposals. Member States shall provide the Commission with the information necessary for the preparation of the report.

Amendment 123

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

It shall apply from [**6** months after its entry into force].

Amendment

It shall apply from [**18** months after its entry into force].

Amendment 124

Proposal for a regulation Annex I – paragraph 1

Text proposed by the Commission

Under Article 4 of Regulation (EU)...¹⁶ the addressee of the removal order shall remove terrorist content or disable access to it, within ***one hour from receipt of the removal order from*** the competent authority.

¹⁶ Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (OJ L ...).

Amendment

Under Article 4 of Regulation (EU)...¹⁶the addressee of the removal order shall remove terrorist content or disable access to it, within ***the deadline specified by*** the competent authority.

¹⁶ Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (OJ L ...).

Amendment 125

Proposal for a regulation Annex I – paragraph 2

Text proposed by the Commission

In accordance with Article 7 of Regulation (EU)¹⁷, addressees must preserve content and related data, which has been removed or access to it disabled, for six months or longer upon request from the competent authorities or courts.

¹⁷ Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (OJ L ...).

Amendment

In accordance with Article 7 of Regulation (EU)¹⁷ ,addressees must preserve content and related data, which has been removed or access to it disabled, for six months or longer upon request from the competent authorities or courts ***or the content provider in order to remedy complaints following the mechanism described in Article 10.***

¹⁷ Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (OJ L ...).

Amendment 126

Proposal for a regulation Annex I – section B – title

Text proposed by the Commission

Amendment

B Content to be removed or access to it disabled within **one hour**:

B Content to be removed or access to it disabled within **the deadline specified by the competent authority**:

Amendment 127

Proposal for a regulation Annex I – section B – paragraph 1

Text proposed by the Commission

Amendment

A URL and any additional information enabling the identification and exact location of the content referred:

A URL and any additional information **including screenshot where obtainable** enabling the identification and exact location of the content referred:

Amendment 128

Proposal for a regulation Annex I – section B – paragraph 4

Text proposed by the Commission

Amendment

Additional information on the reasons why the content is considered terrorist content (**optional**):

Additional information on the reasons why the content is considered terrorist content **in accordance with national law, possibilities to contest the decision including formal requirements, the description of the next steps of the procedure and related timeframes**:

Amendment 129

Proposal for a regulation Annex I – section G – paragraph 1

Text proposed by the Commission

Amendment

Information about competent body or court, deadlines and procedures for contesting the removal order:

Information about competent body or court, deadlines and procedures **including formal requirements** for contesting the removal order:

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Preventing the dissemination of terrorist content online	
References	COM(2018)0640 – C8-0405/2018 – 2018/0331(COD)	
Committee responsible Date announced in plenary	LIBE 22.10.2018	
Opinion by Date announced in plenary	IMCO 22.10.2018	
Rapporteur Date appointed	Julia Reda 24.9.2018	
Discussed in committee	21.1.2019	21.2.2019
Date adopted	4.3.2019	
Result of final vote	+: 28	–: 0
	0: 2	
Members present for the final vote	John Stuart Agnew, Lucy Anderson, Carlos Coelho, Sergio Gaetano Cofferati, Daniel Dalton, Nicola Danti, Pascal Durand, Liisa Jaakonsaari, Philippe Juvin, Marlene Mizzi, Jiří Pospíšil, Jasenko Selimovic, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Marco Zullo	
Substitutes present for the final vote	Birgit Collin-Langen, Edward Czesak, Emma McClarkin, Julia Reda, Adam Szejnfeld, Kerstin Westphal	
Substitutes under Rule 200(2) present for the final vote	Asim Ademov, John Howarth, Sandra Kalniete, Tunne Kelam, Jude Kirton-Darling, Andrey Kovatchev, Andrey Novakov, Vladimir Urutchev, Kathleen Van Brempt	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

28	+
ALDE	Jasenko Selimovic
ECR	Edward Czesak, Daniel Dalton, Emma McClarkin
ENF	Mylène Troszczynski
PPE	Asim Ademov, Carlos Coelho, Birgit Collin-Langen, Philippe Juvin, Sandra Kalniete, Tunne Kelam, Andrey Kovatchev, Andrey Novakov, Jiří Pospíšil, Adam Szejnfeld, Róza Gräfin von Thun und Hohenstein, Vladimir Urutchev
S&D	Lucy Anderson, Sergio Gaetano Cofferati, Nicola Danti, John Howarth, Liisa Jaakonsaari, Jude Kirton-Darling, Marlene Mizzi, Kathleen Van Brempt, Kerstin Westphal
VERTS/ALE	Pascal Durand, Julia Reda

0	-

2	0
EFDD	Marco Zullo
ENF	John Stuart Agnew

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Preventing the dissemination of terrorist content online			
References	COM(2018)0640 – C8-0405/2018 – 2018/0331(COD)			
Date submitted to Parliament	12.9.2018			
Committee responsible Date announced in plenary	LIBE 22.10.2018			
Committees asked for opinions Date announced in plenary	ITRE 22.10.2018	IMCO 22.10.2018	CULT 22.10.2018	
Not delivering opinions Date of decision	ITRE 9.10.2018			
Associated committees Date announced in plenary	CULT 31.1.2019			
Rapporteurs Date appointed	Daniel Dalton 3.12.2018			
Previous rapporteurs	Helga Stevens			
Discussed in committee	10.10.2018	4.2.2019	11.3.2019	8.4.2019
Date adopted	8.4.2019			
Result of final vote	+: -: 0:	35 1 8		
Members present for the final vote	Asim Ademov, Heinz K. Becker, Daniel Dalton, Rachida Dati, Cornelia Ernst, Kinga Gál, Ana Gomes, Monika Hohlmeier, Brice Hortefeux, Sophia in 't Veld, Eva Joly, Dietmar Köster, Barbara Kudrycka, Claude Moraes, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Helga Stevens, Josef Weidenholzer, Auke Zijlstra			
Substitutes present for the final vote	Anna Maria Corazza Bildt, Pál Csáky, Gérard Deprez, Livia Járóka, Jeroen Lenaers, Andrejs Mamikins, Ana Miranda, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Christine Revault d'Allonnes Bonnefoy, Barbara Spinelli, Geoffrey Van Orden			
Substitutes under Rule 200(2) present for the final vote	Thierry Cornillet, Arnaud Danjean, Ashley Fox, Eider Gardiazabal Rubial, Elisabetta Gardini, Stefan Gehrold, Karin Kadenbach, Jérôme Lavrilleux, Jasenko Selimovic, Ernest Urtasun, Sabine Verheyen, Rainer Wieland			
Date tabled	9.4.2019			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

35	+
ALDE	Thierry Cornillet, Gérard Deprez, Sophia in 't Veld, Maite Pagazaurtundúa Ruiz, Jasenko Selimovic
ECR	Daniel Dalton, Ashley Fox, Helga Stevens, Geoffrey Van Orden
PPE	Asim Ademov, Anna Maria Corazza Bildt, Pál Csáky, Arnaud Danjean, Rachida Dati, Kinga Gál, Elisabetta Gardini, Stefan Ge rold, Monika Hohlmeier, Brice Hortefeux, Livia Járóka, Barbara Kudrycka, Jérôme Lavrilleux, Jeroen Lenaers, Sabine Verheyen, Rainer Wieland
S&D	Eider Gardiazabal Rubial, Ana Gomes, Karin Kadenbach, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Emilian Pavel, Christine Revault d'Allonnes Bonnefoy, Birgit Sippel, Josef Weidenholzer

1	-
ENF	Auke Zijlstra

8	0
GUE/NGL	Cornelia Ernst, Barbara Spinelli
PPE	Heinz K. Becker
S&D	Dietmar Köster
VERTS/ALE	Eva Joly, Ana Miranda, Judith Sargentini, Ernest Urtasun

Key to symbols:

+ : in favour

- : against

0 : abstention