



EUROPEAN COMMISSION

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C(2018)4140 final*

*Mr Radek VONDRÁČEK
President of the
Poslanecká sněmovna
Sněmovní 4
CZ – 118 26 PRAGUE 1*

Dear Chair,

The Commission would like to thank the Poslanecká sněmovna for its Opinion on the Communication on Tackling Illegal Content Online - Towards an enhanced responsibility of online platforms {COM(2017) 555 final}.

The aim of the guidelines and principles set out in the Communication is to increase the proactive prevention, detection and removal of illegal content inciting hatred, violence and terrorism online. The increasing availability and spreading of terrorist material and content that incites violence and hatred online is a serious threat to the security and safety of European Union citizens. It also undermines citizens' trust and confidence in the digital environment – a key engine of innovation, growth and jobs.

The Commission takes note of the concerns expressed in the Opinion in relation to the reinstatement of legal content that has been unduly removed and the use of automated means for the detection of illegal content. In the meantime, the Commission has adopted a Recommendation on measures to effectively tackle illegal content online as a follow-up to its previous Communication¹. This Recommendation takes a balanced approach on both topics:

- Points 11 to 13 of the Recommendation foresee that content providers should be given the possibility to contest the decision by the hosting service provider, and the outcome of such counter-notice may be the reinstatement of the content. Hosting service providers will have the opportunity to report on any technical difficulties linked to the implementation of this procedure in the reporting process established in Point 42.*
- Point 18 acknowledges that automated means for the detection of illegal content are only to be used where appropriate and proportionate and subject to effective and appropriate safeguards, described in Point 20.*

¹ C(2018) 1177 final.

Finally, Point 41 of this Recommendations invites Member States to report at regular intervals and preferably every three months on the referrals submitted by their competent authorities and the decisions taken by hosting service providers upon those referrals, as well as on their cooperation with hosting service providers relating to tackling terrorist content. In addition, Point 43 invites Member States to submit to the Commission all relevant information that would allow the Commission to monitor the effects of the Recommendation as regards illegal content other than terrorist content.

The Commission has published an Inception Impact Assessment on the planned next steps and a public consultation was launched on 30 April to seek views from all stakeholders on further measures which could be explored.

The Commission hopes that these comments address the issues raised by the Poslanecká sněmovna and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Mariya Gabriel
Member of the Commission*