Public consultation on measures to further improve the effectiveness of the fight against illegal content online

> Fields marked with * are mandatory.

Introduction

The availability and proliferation of illegal content online remains an important public policy and security concern in the EU, notably with regards to the dissemination of terrorist content, as well as of illegal hate speech, child sexual abuse material, or illegal commercial practices and infringements of intellectual property rights, selling of illicit drugs, counterfeits or other illicit goods.

The Commission adopted on 28 September 2017 a Communication with guidance on the responsibilities of online service providers in respect of illegal content online and a Recommendation on measures to effectively tackle illegal content online on1 March 2018.

The Commission is collecting evidence on the effectiveness of measures and the scale of the problem, and will explore, by the end of 2018, further measures to improve the effectiveness of combating illegal content online.

In particular, through the present public consultation the Commission seeks to gather views from all relevant stakeholders. The questionnaire is targeted to the general public, hosting service providers such as online platforms, organisations reporting the presence of illegal content online, competent authorities and law enforcement bodies, and academia, civil societies and other organisations.

About you

*Please indicate the capacity in which you are replying to this public consultation. Please note that the option you select will personalise the subsequent questions.

at most 1 choice(s)

- [ ] a) as an individual, in my personal capacity
- [ ] b) representing an online hosting service provider
- [ ] c) representing a business associations replying on behalf of online hosting providers
- [ ] d) representing a non-for-profit organisation identifying and reporting allegedly illegal content online
- [ ] e) representing a for-profit organisation identifying and reporting allegedly illegal content online
- [ ] f) representing a competent authority, including law enforcement authorities, internet referral unit, ministries or consumer protection authorities
- [ ] g) representing an organisation or business representing victims
- [ ] h) representing civil society organisation representing civil rights interests
- [ ] i) representing other industry association
- [ ] j) representing a research or academic organisation
- [ ] k) other

Other

50 character(s) minimum

[   ]

Section for the general public

Replying to this questionnaire should take an estimate of 10-15 minutes.

Section for online hosting service providers

Section for organisations reporting the presence of illegal content

Section for national authorities and law enforcement authorities

Section for other organisations, civil society, academia or other businesses and associations

Replying to the questionnaire is estimated to take 20 to 30 minutes and may require documenting answers with specific data.

General information about your organisation

* Name of the organisation

50 character(s) maximum

[   ]

If your organisation is included in the Transparency Register, please indicate your ID number.

If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation.

Why a transparency register?

40 character(s) maximum

[   ]

* Should the European Commission need further details in relation to your answers, would you agree to be contacted by the Commission?

○ Yes   ○ No

* Email address:

[   ]

* In what country does your organisation have its headquarters?

- Afghanistan
- Albania
- Algeria
- Andorra
- Angola
- Antigua and Barbuda
- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Brunei Darussalam
- Bulgaria
- Burkina Faso
- Burundi
- Côte D'Ivoire
- Cabo Verde
- Cambodia
- Cameroon
- Canada
- Central African Republic
- Chad
- Chile
- China
- Colombia
- Comoros
- Congo
- Costa Rica
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Democratic Republic of the Congo

- Denmark
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Fiji
- Finland
- France
- Gabon
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea
- Guinea Bissau
- Guyana
- Haiti
- Honduras
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan
- Laos
- Latvia

- Lebanon
- Lesotho
- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Mauritania
- Mauritius
- Mexico
- Micronesia
- Monaco
- Mongolia
- Montenegro
- Morocco
- Mozambique
- Myanmar
- Namibia
- Nauru
- Nepal
- Netherlands
- New Zealand
- Nicaragua
- Niger
- Nigeria
- North Korea
- Norway
- Oman
- Pakistan
- Palau
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Qatar
- Republic of Moldova

- Romania
- Russian Federation
- Rwanda
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- Sao Tome and Principe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Sweden
- Switzerland
- Syrian Arab Republic
- Tajikistan
- Tanzania
- Thailand
- The former Yugoslav Republic of Macedonia
- Timor-Leste
- Togo
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom

- ⦿ United States of America
- ⦿ Uruguay
- ⦿ Uzbekistan
- ⦿ Vanuatu
- ⦿ Venezuela
- ⦿ Viet Nam
- ⦿ Yemen
- ⦿ Zambia
- ⦿ Zimbabwe

* Is your organisation established in a/several EU Member State(s)?

- ⦿ a) Yes
- ⦿ b) No

* Which one(s)?

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czech Republic
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ United Kingdom

*

What online hosting services does your company offer?

☐ a) E-commerce market place

☐ b) Collaborative economy

☐ c) Social networking

☐ d) Video, audio and image sharing

☐ e) File sharing

☐ f) News and media

☐ g) App distribution

☐ h) Rating and reviews

☐ i) Video streaming

☐ j) Other online hosting services (please specify)

If j) Other online hosting services, please specify

* Please briefly describe your organisation and/or provide a public URL.

500 character(s) maximum

The European Commission uses the following parameters to differentiate types of companies in terms of size. (EU recommendation 2003/361)

Company category	Staff headcount	Turnover	or	Balance sheet total
Micro	< 10	≤ € 2 m		≤ € 2 m
Small	< 50	≤ € 10 m		≤ € 10 m
Medium-sized	< 250	≤ € 50 m		≤ € 43 m

* Following this definition, your company is:

☐ a) A micro-enterprise

☐ b) A small enterprise

☐ c) A medium-sized enterprise

☐ d) Other

Approximately, how many users of the online hosting service does your company have (please refer to the past 12 months)?

a) registered users (all types of users included)

50 character(s) maximum

b) users in the EU

50 character(s) maximum

c) registered business users (if relevant)

50 character(s) maximum

d) other metric, as appropriate (e.g. visits per month, total downloads)

50 character(s) maximum

* What type of activity is the main area of competence of your institution?

- ○ a) Law enforcement authority investigating criminal activities
- ○ b) Internet Referral Unit
- ○ c) National government
- ○ d) Regional government
- ○ e) Consumer protection authority
- ○ f) Other

If other, please specify

200 character(s) maximum

Please indicate if you are a user of the following types of online hosting services.

- ☐ a) E-commerce market place
- ☐ b) Collaborative economy
- ☐ c) Social networking
- ☐ d) Video or audio streaming
- ☐ e) File sharing
- ☐ f) News and media
- ☐ g) App distribution
- ☐ h) Rating and reviews
- ☐ g) Other

Please specify

100 character(s) maximum

General information about you

Firstname

Lastname

* Country of residence

- ○ Afghanistan
- ○ Albania
- ○ Algeria
- ○ Andorra
- ○ Angola
- ○ Antigua and Barbuda
- ○ Argentina
- ○ Armenia
- ○ Australia
- ○ Austria
- ○ Azerbaijan
- ○ Bahamas
- ○ Bahrain
- ○ Bangladesh
- ○ Barbados
- ○ Belarus
- ○ Belgium
- ○ Belize
- ○ Benin
- ○ Bhutan
- ○ Bolivia
- ○ Bosnia and Herzegovina
- ○ Botswana
- ○ Brazil
- ○ Brunei Darussalam
- ○ Bulgaria
- ○ Burkina Faso
- ○ Burundi
- ○ Côte D'Ivoire

- Cabo Verde
- Cambodia
- Cameroon
- Canada
- Central African Republic
- Chad
- Chile
- China
- Colombia
- Comoros
- Congo
- Costa Rica
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Democratic Republic of the Congo
- Denmark
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Fiji
- Finland
- France
- Gabon
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea
- Guinea Bissau
- Guyana
- Haiti
- Honduras
- Hungary
- Iceland

- India
- Indonesia
- Iran
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Mauritania
- Mauritius
- Mexico
- Micronesia
- Monaco
- Mongolia
- Montenegro
- Morocco
- Mozambique
- Myanmar
- Namibia
- Nauru
- Nepal
- Netherlands
- New Zealand

- Nicaragua
- Niger
- Nigeria
- North Korea
- Norway
- Oman
- Pakistan
- Palau
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Qatar
- Republic of Moldova
- Romania
- Russian Federation
- Rwanda
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- Sao Tome and Principe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Sweden
- Switzerland

- ○ Syrian Arab Republic
- ○ Tajikistan
- ○ Tanzania
- ○ Thailand
- ○ The former Yugoslav Republic of Macedonia
- ○ Timor-Leste
- ○ Togo
- ○ Tonga
- ○ Trinidad and Tobago
- ○ Tunisia
- ○ Turkey
- ○ Turkmenistan
- ○ Tuvalu
- ○ Uganda
- ○ Ukraine
- ○ United Arab Emirates
- ○ United Kingdom
- ○ United States of America
- ○ Uruguay
- ○ Uzbekistan
- ○ Vanuatu
- ○ Venezuela
- ○ Viet Nam
- ○ Yemen
- ○ Zambia
- ○ Zimbabwe

*Your age range
- ○ <18
- ○ 18-30
- ○ 31-50
- ○ 51-70
- ○ 70+

How often do you use the following types of services?

	Daily	A few times per week	A few times per month	A few times per year	Not at all	I don't know
I shop on e-commerce market places (e.g. Amazon, Etsy)	○	○	○	○	○	○
I use collaborative economy platforms (e.g. Airbnb, Uber)	○	○	○	○	○	○

I read blogs online (e.g. WordPress powered blogs)	○	○	○	○	○	○
I use social networks (e.g. Facebook, Twitter)	○	○	○	○	○	○
I watch video, live-streaming or I listen to audio files on platforms like e.g. YouTube, Vimeo, SoundCloud)	○	○	○	○	○	○
I upload or download documents, videos, images or music on file sharing services (e.g. Dropbox, WeTransfer)	○	○	○	○	○	○
I browse or download apps from app stores (e.g. Google Play, Apple App Store)	○	○	○	○	○	○
I read or write reviews and give ratings to products or services on rating platforms (e.g. Yelp, TripAdvisor)	○	○	○	○	○	○
I read or write comments on articles on online news websites	○	○	○	○	○	○

Have you been a victim of one of the following illegal activities?

- ☐ a) Terrorism or terrorist content online
- ☐ b) Child sexual abuse
- ☐ c) Illegal hate speech
- ☐ d) Copyright infringement
- ☐ e) Infringement of other Intellectual Property Rights
- ☐ f) Illegal Commercial Practices (e.g. scams, frauds and subscription traps)
- ☐ g) Yes, other type of illegal activity than those listed above
- ☐ h) No, none of the above
- ☐ i) I don't know

If g) other type of illegal activity, please specify

100 character(s) maximum

Please share in what way this has affected you (e.g. effect of the availability of the content online, effect on your community, loss of revenue etc.).

1000 character(s) maximum

Your experience: encountering illegal content online

15

While using the services mentioned here-above, did you come across the following types of content?

	Never	Once	Between 2 and 5 times	More than 5 times	I don't know
Child sexual abuse material	◯	◯	◯	◯	◯
Terrorist content	◯	◯	◯	◯	◯
Pirated content (e.g. music, films, books) or other audiovisual content	◯	◯	◯	◯	◯
Counterfeit goods (e.g. fake perfume, fake designer brands) or other types of intellectual property infringements	◯	◯	◯	◯	◯
Illegal hate speech (public incitement to violence or hatred directed against a group of persons or a member of such a group defined on the basis of race, colour, descent, religion or belief, or national or ethnic origin)	◯	◯	◯	◯	◯
Scams, frauds, subscription traps or other illegal commercial practices)	◯	◯	◯	◯	◯
Content I deemed illegal for other reasons than the above.	◯	◯	◯	◯	◯

If you have encountered content you deemed illegal for other reasons than the above, please specify

300 character(s) maximum

What action did you take after encountering the content referred to above? (Multiple options possible, should you have encountered different situations on different occasions.)

☐ a) No action
☐ b) I informed the platform hosting the content
☐ c) I contacted directly the person/organisation who had uploaded the content
☐ d) I alerted the police/relevant enforcement authorities
☐ e) Other action

If other, please specify

50 character(s) maximum

Did you receive further information from the hosting service provider on what they intended to do as a follow-up of your notification?

- ☐ a) No
- ☐ b) Yes, general information on the process
- ☐ c) Yes, information about the final decision on taking the content down or keeping it online
- ☐ d) Other

Other comments - please specify

[text box]

What happened to the content you had reported? (Multiple options possible)

- ☐ a) It was taken-down
- ☐ b) It was kept online
- ☐ c) I do not know
- ☐ d) Other

If other, please specify

300 character(s) maximum

[text box]

How fast was the content taken down?

- ○ a)Within minutes
- ○ b) Within hours
- ○ c) Within days
- ○ d) Within a longer period of time
- ○ e) I do not know

To what extent do you agree with the following statements in relation to your notifications sent to platforms to alert them of potentially illegal content?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know
It was clear to me that the content I was viewing was illegal.	○	○	○	○	○	○
It was clear to me that the content I was viewing was violating the community standards or the terms of service of the hosting service.	○	○	○	○	○	○
It was easy to report the content.	○	○	○	○	○	○
Overall, I am satisfied with how the company handled my notification.	○	○	○	○	○	○

If your answers to the previous questions refer to multiple experiences with reporting content, please explain if there were substantial differences in particular occasions, relating to specific types of content or in your interactions with different platforms.

500 character(s) maximum

How were you affected by the illegal activities you pointed to in the previous answers?

500 character(s) maximum

Your experience: removal of content online

* Have you tried to upload or post online content which was blocked or removed by a hosting service provider?

- ○ a) No, never
- ○ b) Yes, once
- ○ c) Yes, several times
- ○ d) I don't know

On what grounds was your content blocked or removed? (multiple answers possible)

- ☐ a) Incitement to terrorism
- ☐ b) Child sexual abuse
- ☐ c) Illegal hate speech
- ☐ d) Copyright infringement
- ☐ e) Infringement of other intellectual property rights (e.g. counterfeit, design infringements)
- ☐ f) Illegal commercial practice (e.g. scam, fraud, subscription trap)
- ☐ g) Infringement to other community standards or terms of service
- ☐ h) I was not informed
- ☐ i) Other

If i) Other, please specify

50 character(s) maximum

Have you taken any action?

○

a) I contacted the hosting service and argued that the content was not illegal or against community standards or terms of service

○ b) I uploaded the content again on the same or a different hosting service

○ c) I did not react

○ d) Other action

If d) Other action, please specify

300 character(s) maximum

What was the follow-up on the dispute? (multiple answers possible)

☐ a) The dispute was handled only at the level of the hosting service

☐ b) The dispute escalated to trial in court

☐ c) The dispute escalated to an out-of-court dispute settlement body

☐ d) Other

If d) Other, please specify

300 character(s) maximum

What was the final decision concerning the content? (Multiple options possible)

☐ a) Dispute is still ongoing

☐ b) The hosting service reinstated the content

☐ c) The content was not reinstated

☐ d) I do not know

Have you incurred sanctions for repeated infringements, in addition to the specific content being removed /blocked?

○ a) No

○ b) Yes, my account was suspended

○ c) Yes, my account was terminated

○ d) Yes, other sanctions

○ e) I do not know

If d) ther sanctions - please specify

Please explain how the take-down or blocking of your content and potential follow-up actions have affected you.

1000 character(s) maximum

To what extent do you agree with the following statements in relation to the process of removing of your allegedly illegal content and follow-up actions?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know
It was clear to me from the terms of service or community standards of the platform that the content I uploaded was not accepted on the hosting service.	⊙	⊙	⊙	⊙	⊙	⊙
Overall, I find the process for removing content sufficiently transparent.	⊙	⊙	⊙	⊙	⊙	⊙
I disagree that my content should be banned by the community standards or terms of service.	⊙	⊙	⊙	⊙	⊙	⊙
I was able to contest the removal decision.	⊙	⊙	⊙	⊙	⊙	⊙
It was clear what dispute settlement mechanisms or external bodies I could use to escalate the dispute.	⊙	⊙	⊙	⊙	⊙	⊙
After repeated removals of my content, I was informed clearly about the sanctions which would be taken against me.	⊙	⊙	⊙	⊙	⊙	⊙
Overall, I find the process for disputing content removal decisions sufficiently transparent.	⊙	⊙	⊙	⊙	⊙	⊙

Illegal content online

What type(s) of illegal content is your organisation mostly concerned with?

- ⊙ a) Terrorist content
- ⊙ b) Child sexual abuse materials
- ⊙ c) Illegal hate speech
- ⊙ d) Copyright infringement
- ⊙ e) Infringement of other intellectual property rights (e.g. counterfeit, design rights infringement)
- ⊙ f) Illegal commercial practice
- ⊙ g) Other

If other, please specify

50 character(s) maximum

[ ]

How do the online illegal activities affect the victims you are representing? (e.g. emotional damage, negative effect to the community, loss of revenue, etc.)

[ ]

Does your organisation identify and refer/notify illegal content to content hosting providers?

- ○ a) Yes
- ○ b) No

On what basis do you refer content to hosting service providers?

- ○ a) National law
- ○ b) EU law
- ○ c) Hosting service providers' terms of service or community guidelines
- ○ d) Other

Please specify.

400 character(s) maximum

[ ]

Please specify if there are other mechanisms you can use on a case-by-case basis to flag illegal content to hosting service providers

[ ]

Please select in the list below the systems you use for detecting, removing, or blocking each of the following types of illegal content.

	Terrorist content	Illegal hate speech	Child sexual abuse	Copyright infringing content	Content infringing other IPR (e.g. counterfeit, design rights)	Illegal commercial practices	Other
Content moderation by staff	○	○	○	○	○	○	○
Content moderation by third party services contracted	○	○	○	○	○	○	○
Automated filters for blocking content	○	○	○	○	○	○	○
Proactive automated detection tools	○	○	○	○	○	○	○
Notices received from users	○	○	○	○	○	○	○

Notices received from competent authorities or law enforcement bodies	◉	◉	◉	◉	◉	◉	◉
Notices received from trusted organisations	◉	◉	◉	◉	◉	◉	◉
Other	◉	◉	◉	◉	◉	◉	◉

Please explain your online content policy and how the different systems are used for the detection, removal, blocking or reinstating content.

1500 character(s) maximum

24

Please select in the list below the systems you use for detecting each of the following types of illegal content, if applicable.

	Terrorist content	Illegal hate speech	Child sexual abuse	Copyright infringing content	Content infringing other IPR (e. g. counterfeit, design rights)	Illegal commercial practices	Other
Content monitored and reported by staff	○	○	○	○	○	○	○
Automated detection tools	○	○	○	○	○	○	○
Content flagged by third parties	○	○	○	○	○	○	○
Other	○	○	○	○	○	○	○

If other, please specify

200 character(s) maximum

For each of the systems you use, please explain how accurate they are. Please share measurements for specific accuracy indicators where available, in particular when automated tools are used (e.g. shares of true/false positives, shares of true/false negatives), per type of illegal content.

1500 character(s) maximum

What is the median speed of removal for the following types of illegal content?

	Terrorist content	Illegal hate speech	Child sexual abuse material	Copyright infringing content	Content infringing other IPR (e.g. counterfeit, design rights)	Illegal Commercial practice	Other
From the point when the content becomes publicly available to users (e.g. it is uploaded, or posted online)?							
From the time the content is flagged to your service (e.g. by users, referrals)?							
From the time your own content moderation systems first identify the content?							

27

For what share of the content removed have you received counter-notices from content providers contesting the removal decision (in the past 12 months, per type of illegal content)? What share of the counter-notices led to reinstating the content?

500 character(s) maximum

Can you quantify the costs supported by your organisation for each type of system (e.g. absolute numbers per year, or as a fraction of operating expenditure of the relevant business unit(s) per year)?

	Estimated costs for initial set-up	Estimated cost for use and maintenance
Content moderation by staff		
Content moderation by third party services contracted		
Automated filters for re-upload		
Proactive automated detection tools		
Notices received from users (including through online comments)		
Notices received from competent authorities or law enforcement bodies		
Notices received from other trusted organisations		
Other		

Can you quantify the costs supported by your organisation for each type of system used for detecting and flagging illegal content online (e.g. absolute numbers per year, or as a fraction of operating expenditure of the relevant business unit(s) per year)?

	Estimated costs for initial set-up	Estimated cost for use and maintenance
Content monitored and reported by staff		
Automated detection tools		
Content flagged by third parties		
Other		

To your knowledge, what share of the content you report to hosting service providers (per year) is taken down?

What is the median timeframe from your notification to take-down?

	Share of the content reported which is removed by online hosting service providers	Median timeframe from notification to take-down
Terrorist content		
Illegal hate speech		
Child sexual abuse material		
Copyright infringing content		
Infringement of other intellectual property rights (e.g. counterfeit, design rights infringements)		
Illegal commercial practices		
Other		

Do you publish a report with aggregated data on the content proactively identified, notified, taken-down, blocked and/or counter-notices received?

- ☐ a) Yes
- ☐ b) No

Please insert a hyperlink to the most recent report

Do you cooperate with third-party organisations with a privileged status for flagging illegal content on your platform (e.g. trusted flagger status)?

- ☐ a) Yes, civil society
- ☐ b) Yes, public bodies
- ☐ c) Yes, private entities (e.g. rights holders)
- ☐ d) No

What types of illegal content can such organisations flag?

- ☐ a) Terrorism content
- ☐ b) Hate speech
- ☐ c) Child sexual abuse
- ☐ d) Copyright infringements
- ☐ e) Oher intellectual property rights infringements
- ☐ f) Illegal commercial practices (e.g. scam, fraud, subscription trap)
- ☐ g) Other

If g) Other, please specify

Is your organisation labelled as a 'trusted flagger' (or equivalent) with privileged status given by a/several hosting service providers?

- ○ Yes
- ○ No

What criteria were applied to decide your organisation's privileged status?

500 character(s) maximum

What criteria do you apply to decide which organisations gain a privileged status?

500 character(s) maximum

[text box]

Under what conditions and how can the privileged status be revoked?

500 character(s) maximum

[text box]

What tools do you use to prevent users from repeatedly uploading illegal content of the same nature?

1000 character(s) maximum

[text box]

Is there a dedicated entity within your organisation/Member State for flagging illegal content online to hosting service providers (e.g. Internet Referral Unit)?

- ○ a) Yes
- ○ b) No

Please explain which entity and what mandate it fulfils and the advantages and challenges the organisation is facing.

500 character(s) maximum

[text box]

Please explain if there are any other mechanisms you can use on a case-by-case basis to flag illegal content to hosting service providers. How do such mechanism function and what is the legal basis they are supported by?

500 character(s) maximum

[text box]

Please describe the challenges, obstacles and risks you are facing in tackling illegal content.

1000 character(s) maximum

[text box]

Further measures for detecting, removing and preventing reappearance of illegal content

What features of notice systems and further measures do you consider to be most effective for enabling hosting service providers to make diligent decisions on the content notified? Please score the features on a scale from 1 (very effective) to 5 (not effective).

	1	2	3	4	5	I don't know
Standardised, accessible and user-friendly online interface for reporting content	○	○	○	○	○	○
Identification of content with unique identifiers (e.g. URLs)	○	○	○	○	○	○
Possibility to file multiple notices	○	○	○	○	○	○
Explanation of reasons and grounds of illegality	○	○	○	○	○	○
Allowing for anonymous notices	○	○	○	○	○	○
Standardised, binding notice and action procedures	○	○	○	○	○	○
Other	○	○	○	○	○	○

Please specify

500 character(s) maximum

Please score the effectiveness of the following measures to support the cooperation between platforms and competent authorities/law enforcement bodies. Please use a scale from 1 (very effective) to 5 (not effective).

	1	2	3	4	5	I don't know
Enhanced cooperation and exchanges between hosting service providers and competent authorities	○	○	○	○	○	○
Enhanced capabilities and training for national authorities and courts	○	○	○	○	○	○
Appointment of points of contact amongst hosting service providers within EU Member States for cooperation with competent authorities	○	○	○	○	○	○

Appointment of points of contact amongst law enforcement or other competent authorities for cooperating with hosting service providers	○	○	○	○	○	○
Technical interfaces between platforms and law enforcement or other competent authorities	○	○	○	○	○	○
Obligation to report illegal content to competent authorities for analysis and investigation	○	○	○	○	○	○
Setting time-limits to processing referrals and notifications from law enforcement or other competent authorities (such as internet referral units)	○	○	○	○	○	○
Other	○	○	○	○	○	○

Please specify

What further mechanisms would best support the cooperation between hosting services and trusted flaggers? Please score the mechanisms below on a scale from 1 (very effective) to 5 (not effective).

	1	2	3	4	5	I don't know
Agreement between the platform and the trusted flaggers	○	○	○	○	○	○
Trusted status agreed by a group of platforms	○	○	○	○	○	○
Certification of the trusted flaggers by national authorities	○	○	○	○	○	○
Certification of trusted flaggers at EU level	○	○	○	○	○	○
Possibility to submit data feeding the hosting service provider's automated moderation tools	○	○	○	○	○	○
Financial support to trusted flaggers by public authorities	○	○	○	○	○	○
Financial support to trusted flaggers by private entities on a voluntary basis	○	○	○	○	○	○
Setting time-limits to processing referrals and notifications from trusted flaggers	○	○	○	○	○	○
Other	○	○	○	○	○	○

If other, please specify

300 character(s) maximum

What criteria should organisations fulfil to gain a privileged status ('trusted flaggers') when reporting content for removal?

1000 character(s) maximum

What are the specific privileges (e.g. fast-track/immediate removal of content notified), and responsibilities such trusted flaggers should have, in your opinion, when flagging the different types of illegal content?

1000 character(s) maximum

Please score the following measures to support the uptake and deployment of automated tools for removal of illegal content. Please score the measures below on a scale from 1 (very useful) to 5 (not useful).

	1	2	3	4	5	I don't know
Sharing of best practices between industry players	○	○	○	○	○	○
Industry-governed sharing of software solutions	○	○	○	○	○	○
Industry shared governance of databases supporting filtering technology	○	○	○	○	○	○
Industry shared governance of databases of training data for detection algorithms	○	○	○	○	○	○
Publicly supported databases for filtering content, training data, and/or technical tools	○	○	○	○	○	○
Public investment in research and development	○	○	○	○	○	○
Private investment in research and development	○	○	○	○	○	○
Requirements to deploy automated tools for detecting and/or blocking content	○	○	○	○	○	○
Requirements to use shared databases for blocking content	○	○	○	○	○	○
Other	○	○	○	○	○	○

If other, please specify

What safeguards should be put in place when using automated tools for the detection and removal of illegal content online? Please score the measures below on a scale from 1 (very useful) to 5 (not useful).

	1	2	3	4	5	I don't know
Transparency, in simple, clear language, of the general principles for the algorithmic decision-making	○	○	○	○	○	○
Transparent reporting on the accuracy indicators for the automated tools used	○	○	○	○	○	○
Audits and error-detection tests for algorithmic filtering and algorithmic detection of illegal content	○	○	○	○	○	○
'Human in the loop' principle: include human review in the processes leading to removal of content	○	○	○	○	○	○
Counter-notice procedures also when content removal /blocking is decided through automated means	○	○	○	○	○	○
Other	○	○	○	○	○	○

If other, please specify

What are the most effective safeguards to counter erroneous removal of legal content? Please score the measures below on a scale from 1 (very effective) to 5 (not effective).

	1	2	3	4	5	I don't know
Availability of counter-notice procedures	○	○	○	○	○	○
Information to the content provider on grounds for removal	○	○	○	○	○	○
Transparency on the process for removal	○	○	○	○	○	○
Transparent information on time from detection/notice to removal of the different types of content	○	○	○	○	○	○
Transparent process for restoring content when counter-notices have provided reasonable grounds to reject the allegations of illegality	○	○	○	○	○	○
Encourage the use of out-of-court dispute settlement	○	○	○	○	○	○
Cooperation with third-parties such as self-regulatory bodies or competent authorities, for consultation in difficult cases	○	○	○	○	○	○

Other	○	○	○	○	○	○

Other (please specify)

[   ]

Have you introduced or do you intend to introduce changes in the measures your organisation takes against illegal content, in view of Recommendation on further measures to tackle illegal content online C(2018) 1177 final? If so, which ones?

1000 character(s) maximum

[   ]

Please describe the challenges, obstacles and risks you are facing in tackling illegal content.

1000 character(s) maximum

[   ]

Your opinion

In your opinion, who has an important role to play in tackling illegal content online?

	Main role	Important role	Marginal role	I don't know	No answer
Internet users	○	○	○	○	○
Hosting service providers	○	○	○	○	○
Public and other competent authorities and law enforcement bodies	○	○	○	○	○
Private entities affected by the spread of illegal content (e.g. rights holders)	○	○	○	○	○
Individual victims affected by illegal content	○	○	○	○	○
Civil society and other organisations with expertise who flag illegal content	○	○	○	○	○
Other	○	○	○	○	○

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know	No answer
* The Internet is safe for its users.	○	○	○	○	○	○	○
* It is important that there are arrangements in place so that no illegal content is spread on the Internet.	○	○	○	○	○	○	○
* It is important that freedom of expression is protected online.	○	○	○	○	○	○	○
* Hosting service providers should process all notifications they receive and assess the legality of the content notified.	○	○	○	○	○	○	○
* When content is flagged as illegal by private organisations with proven expertise , hosting services should speed up the process for removing the content.	○	○	○	○	○	○	○

* When content is flagged as illegal by competent authorities or law enforcement bodies, platforms should speed up the process for removing the content	◉	◉	◉	◉	◉	◉	◉
* When online hosting services remove content, users should be able to contest this decision by contacting the service (counter-notice).	◉	◉	◉	◉	◉	◉	◉
* The regulatory framework is effective against illegal content.	◉	◉	◉	◉	◉	◉	◉
* Hosting service providers are effective in tackling illegal content.	◉	◉	◉	◉	◉	◉	◉

In your opinion, is there a need for further measures to tackle illegal content online?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know	No answer
Through proactive measures taken by hosting service providers and other relevant actors.	○	○	○	○	○	○	○
Via legislative measures.	○	○	○	○	○	○	○
Actions should be taken at EU level to put appropriate measures in place.	○	○	○	○	○	○	○
Different types of illegal content should be dealt with in different legal frameworks, to take into account specificities.	○	○	○	○	○	○	○

Are there additional comments you would like to make? Please detail, in particular, if your answers refer to different experiences, different types of illegal content, etc.

500 character(s) maximum

Please feel free to upload a concise document, such as a position paper of relevance to this public consultation. *Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation.*

The maximum file size is 1 MB

Your contribution

* Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001

○ **can be published with your personal information** (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

○ **can be published provided that you remain anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001

○ **can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

○ **can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.