Tackling illegal content online – Meeting with Online platforms

9 January 2018 – Brussels

Context:

Last September, the European Commission published the Communication "Tackling illegal content online – towards an enhanced responsibility of online platforms" (COM(2017) 555 final). Non-binding in nature, the Communication sets the policy goals and called on online platforms to cooperate pro-actively in the fight against illegal content online. The aim of the meeting was to receive confirmation of platform's commitment to the implementation of the Communication and to ask them to show effective progress on the removal of illegal content.

Interventions by Vice-President Andrus Ansip, Commissioners Dimitris Avramopoulos, Věra Jourová, Julian King and Mariya Gabriel)[1]

- Excellent cooperation in the **Internet Forum** and in the application of the **Code of Conduct on Countering Illegal Hate Speech Online** with platforms proves that co-regulation can work in this area. However, more and quicker voluntary efforts are required. **European legislation cannot be excluded in the long run if the results are not deemed satisfactory**. There is also a **risk of fragmentation** by laws dealing with illegal content at national level. This fragmentation would be a problem for citizens and companies.

- In relation to terrorist content more has to be done in relation to: speed of removal, cooperation with law enforcement authorities by sharing removing content, more clear reporting to allow the Commission to evaluate progress; know-how should be shared with small companies, as the weakest link can be exploited by those who want to harm.

Interventions by platforms under Chatham House rules

22 digital platforms sent high level representatives to the meeting. The group was very diverse: global and national companies, large corporations and SMEs, covering a wide-range of online activities from e-commerce to social networks. The following views were expressed in their interventions:

- The **availability of illegal content on digital platforms undermines trust of users,** which is very harmful for a business model based on trust;
- **Satisfaction with the current liability regime of the e-commerce directive**. They also understand that this is not a "free-pass" to internet and that they have a responsibility to act voluntarily in relation to illegal content;
- **Satisfaction with the progress made in removing illegal content in the areas of child abuse material,   terrorist content and illegal hate speech**. The key of success has been cooperation between government, industry and civil society.

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[1] Press release http://europa.eu/rapid/press-release_STATEMENT-18-63_en.htm

- **Deciding if content is illegal or not is a challenge**, in particular in the area of hate speech. This challenge is exacerbated by legal imposition of very short deadlines for reaction; criticism was raised against the .German Network Enforcement Law.
- Protecting **fundamental rights**, in particular **freedom of speech** and people's **privacy,** is also a challenge for companies when removing illegal content;
- Satisfaction with the application of the **MoU on the sale of counterfeit goods**. Cooperation with brand owners and law enforcement authorities is good. They also have **trusted-flaggers** programmes. There was a call for a distinction between two categories of "illegal content" when proposing any action: illegal goods, especially fakes in e-commerce, on the one hand, and all the other types of illegal content, on the other.
- There are **no simple technical solutions** to remove illegal content online. **Machine learning algorithms** are currently used and are very effective, but **human intervention is always necessary** and the degree to which this is deployed varies a lot.. At the same time, the volume of online content is also a challenge (for example, 500 hours of video are uploaded in YouTube per minute). Automatization may work well for certain types of illegal content but not for others. It is also a challenge that algorithms are specific to one language and cannot be easily transferred to others.
- **Transparent report** is key to measure progress, but on trends and aggregated numbers rather than precise figures.
- **Need of international collaboration, open source spirit, transfer of know-how, data and technology from big to smaller companies**, to avoid displacement of illegal content to them and ensure everyone can contribute at best to this common goal of improving effectiveness of the fight against illegal content online. The Global Internet Forum is a good example of industry cooperation in the area of terrorism content.
- **Offline measures also are needed** (for instance, reinforced border controls to stop counterfeit goods or policies to fight radicalisation at local level) as well as improved cooperation with authorities coupled with digital literacy programmes.

Concluding words by Commissioner Gabriel

Fighting illegal content is a common interest for public authorities and digital platforms. Platforms need to fight illegal content to protect the trust of their users and their good reputation. The key-word is therefore cooperation.