



State of the Union 2018: Commission proposes new rules to get terrorist content off the web

Strasbourg, 12 September 2018

European Commission proposes new rules to get terrorist content off the web.



On 12 September 2018, on the occasion of his State of the Union Address, President Jean-Claude **Juncker** said: *"Europeans rightly expect their Union to keep them safe. This is why the Commission is today proposing new rules to get terrorist content off the web within one hour – the critical window in which the greatest damage is done."*

In his State of the Union Address 2018, President Jean-Claude **Juncker** announced new rules to get terrorist content off the web within one hour. The new rules are being presented one week ahead of the Informal Meeting in Salzburg where EU Leaders are expected to discuss security. Every internet platform that wants to offer its services in the European Union will be subject to clear rules to prevent their services from being misused to disseminate terrorist content. Strong safeguards will also be introduced to protect freedom of speech on the internet and ensure only terrorist content is targeted.

Commissioner for Migration, Home Affairs and Citizenship, Dimitris **Avramopoulos** said: *"Terrorist propaganda has no place in our societies – online or offline. We have already made important progress in removing terrorist content online through our voluntary cooperation in the EU Internet Forum. But we need to increase our speed and effectiveness to stay ahead – across the EU. Many of the recent attacks in the EU have shown how terrorists misuse the internet to spread their messages. Today we say "no more" to this misuse of the internet."*

Commissioner for the Security Union, Julian **King** said: *"You wouldn't get away with handing out fliers inciting terrorism on the streets of our cities – and it shouldn't be possible to do it on the internet, either. While we have made progress on removing terrorist content online through voluntary efforts, it has not been enough. We need to prevent it from being uploaded and, where it does appear, ensure it is taken down as quickly as possible – before it can do serious damage."*

Commissioner for Digital Economy and Society, Mariya **Gabriel** said: *"This regulation is a response to citizens' concerns. We propose specific rules for terrorism content which is particularly harmful for our security and for trust in the digital. What is illegal offline is also illegal online. The EU continues to stay engaged in order to build a safer, human-centric internet based on our values."*

Terrorist content continues to survive and circulate online, representing a very real risk to European society – in January 2018 alone, almost 700 new pieces of official Da'esh propaganda were disseminated online.

The Commission has already been working on a voluntary basis with a number of key stakeholders – including online platforms, Member States and Europol – under the [EU Internet Forum](#) in order to limit the presence of terrorist content online. In [March](#), the Commission recommended a number of actions to be taken by companies and Member States to further step up this work. Whilst these efforts have brought positive results, overall progress has not been sufficient.

The new rules proposed by the Commission will help ensure terrorist content online is swiftly removed. The key features of the new rules are:

- **The one-hour rule:** Terrorist content is most harmful in the first hours after it appears online because of the speed at which it spreads. This is why the Commission is proposing a legally binding one-hour deadline for content to be removed following a removal order from national competent authorities;
- **A clear definition of terrorist content** as material that incites or advocates committing terrorist offences, promotes the activities of a terrorist group or provides instruction in techniques for committing terrorist offences;
- **A duty of care obligation** for all platforms to ensure they are not misused for the dissemination of terrorist content online. Depending on the risk of terrorist content being disseminated via their

platforms, service providers will also be required to take proactive measures – such as the use of new tools – to better protect their platforms and their users from terrorist abuse;

- **Increased cooperation:** The proposal sets up a framework for strengthened co-operation between hosting service providers, Member States and Europol. Service providers and Member States will be required to designate points of contact reachable 24/7 to facilitate the follow up to removal orders and referrals;
- **Strong safeguards:** Content providers will be able to rely on effective complaint mechanisms that all service providers will have to put in place. Where content has been removed unjustifiably, the service provider will be required to reinstate it as soon as possible. Effective judicial remedies will also be provided by national authorities and platforms and content providers will have the right to challenge a removal order. For platforms making use of automated detection tools, human oversight and verification should be in place to prevent erroneous removals;
- **Increased transparency and accountability:** Transparency and oversight will be guaranteed with annual transparency reports required from service providers and Member States on how they tackle terrorist content as well as regular reporting on proactive measures taken;
- **Strong and deterrent financial penalties:** Member States will have to put in place effective, proportionate and dissuasive penalties for not complying with orders to remove online terrorist content. In the event of systematic failures to remove such content following removal orders, a service provider could face financial penalties of up to 4% of its global turnover for the last business year.

Background

In its Communication of [September 2017](#), the European Commission committed to monitoring progress in tackling illegal content online and assessing whether additional measures are needed to ensure the swift detection and removal of illegal content online, including possible legislative measures to complement the existing regulatory framework.

As a follow-up, in [March 2018](#) the Commission recommended a set of operational measures to be taken by companies and Member States to further step up this work. The recommendations applied to all forms of illegal content, with particular focus on terrorist propaganda.

To combat other forms of illegal content such as illegal online hate speech major IT companies (Facebook, Microsoft, Twitter, YouTube, Instagram, Google+, Snapchat and Dailymotion) have signed up to the [Code of Conduct](#). The companies have committed to assess and remove, if necessary, the illegal xenophobic and racist content swiftly (a majority within 24h), to help users notify illegal hate speech, and improve their support to civil society and the coordination with national authorities.

In June 2018, the EU leaders welcomed in their [European Council Conclusions](#) the intention of the Commission to present a legislative proposal to improve the detection and removal of content that incites hatred and to commit terrorist acts.

For more information

[Webpage on the State of the Union 2018](#)

[Commission takes action to get terrorist content off the web - Questions and Answers](#)

Factsheet: A Europe That Protects: Countering terrorist content online

Legal document: Regulation on the prevention of the dissemination of terrorist content online

Factsheets, legal documents and other useful documents all available [here](#)

[Press Release](#): A Europe that protects – Commission reinforces EU response to illegal content online (March 2018)

[Press Release](#): Security Union – Commission steps up efforts to tackle illegal content online (September 2017)

IP/18/5561

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