Digital Services Act and fundamental rights issues posed

2020/2022(INI) - 20/10/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 566 votes to 45, with 80 abstentions, a resolution on the Digital Services Act and fundamental rights issues posed.

Members stressed that fundamental rights, such as the protection of privacy and personal data, the principle of non-discrimination, as well as freedom of expression and information, need to be ingrained at the core of a successful and durable EU policy on digital services.

Tailored approach

Parliament urged the Commission to adopt a tailored regulatory approach in addressing the differences that still persist between online and offline worlds and the challenges raised by the diversity of actors and services offered online. It considered it essential to apply different regulatory approaches to illegal and legal content. Illegal content online and cyber-enabled crimes should be tackled with the same rigour and on the basis of the same legal principles as illegal content and criminal behaviour offline, and with the same guarantees for citizens.

Illegal content

The resolution deemed it necessary that illegal content be removed swiftly and consistently to address crimes and fundamental rights violations. Content removal should be ‘diligent, proportionate and non-discriminatory’ to safeguard freedom of expression and information and privacy. Moreover, any content removal measures legally imposed by digital services legislation should only apply to illegal content as defined in European or national legislation.

Members called on the Commission to consider obliging online platforms to report serious crime to the competent authority when they have received knowledge of such a crime. They called for the systematic and immediate removal of illegal content in order to address infringements, notably those relating to children and terrorist content, and fundamental rights violations.

Illegal content online should not only be removed by online platforms, but should also be followed up by law enforcement and the judiciary where criminal acts are concerned. Special attention should be paid to harmful content in the context of minors using the internet, especially as regards to their exposure to cyberbullying, sexual harassment, pornography, violence and self-harm.

Spreading harmful content

Parliament called for action to combat problematic behaviour such as micro-targeting based on citizens' vulnerabilities, misleading advertising, the spread of hate speech and disinformation, the presence of algorithms creating false profiles or manipulating online content, and political profiling to manipulate voting behaviour.

Members called for transparency in monetisation policies of online platforms and suggested that steps be taken to detect and report content posted by social bots on social networks.

The resolution welcomed the Commission's initiative to set up a European Digital Media Observatory to support independent fact-checking services, increase public knowledge about online disinformation and support public authorities responsible for monitoring digital media.

Improved cooperation

Given the borderless nature of the internet and the fast dissemination of illegal content online, Members considered that cooperation between service providers and national competent authorities, as well as cross-border cooperation between national competent authorities, should be improved and based on the principles of necessity and proportionality.

Harmonisation on liability

Members deemed it indispensable to have the full harmonisation and clarification of rules on liability at EU level to guarantee the respect of fundamental rights and the freedoms of users across the EU.

Legislative proposals should be proposed that keep the digital single market open and competitive by providing harmonised requirements for digital service providers to apply effective, coherent, transparent and fair procedures and procedural safeguards to address illegal content in line with national and European law, including via a harmonised notice-and-action procedure.

To guarantee proper enforcement of the Digital Services Act, the oversight of compliance with procedures, procedural safeguards and transparency obligations laid down in this act should be harmonised within the digital single market. A strong and rigorous enforcement by an independent EU oversight structure is supported.