Basic information

2020/2022(INI) INI - Own-initiative procedure	Procedure completed
Digital Services Act and fundamental rights issues posed **Subject** 1.10 Fundamental rights in the EU, Charter 2.40 Free movement of services, freedom to provide 3.30.06 Information and communication technologies, digital technologies 3.40.06 Electronics, electrotechnical industries, ICT, robotics	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	PEETERS Kris (EPP)	19/02/2020
	Shadow rapporteur KALJURAND Marina (S&D) KÖRNER Moritz (Renew) BREYER Patrick (Greens /EFA) JAKI Patryk (ECR) ERNST Cornelia (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection	BIELAN Adam (ECR)	28/02/2020
CULT Culture and Education	KAMMEREVERT Petra (S&D)	19/02/2020

Key events

Date	Event	Reference	Summary
16/01/2020	Committee referral announced in Parliament		
22/09/2020	Vote in committee		
01/10/2020	Committee report tabled for plenary	A9-0172/2020	Summary
19/10/2020	Results of vote in Parliament		

19/10/2020	Debate in Parliament		
20/10/2020	Decision by Parliament	T9-0274/2020	Summary
20/10/2020	Results of vote in Parliament		
20/10/2020	End of procedure in Parliament		
21/10/2020	Results of vote in Parliament		
22/10/2020	Results of vote in Parliament		
23/10/2020	Results of vote in Parliament		

Technical information	
Procedure reference	2020/2022(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/02303

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE650.509	27/04/2020	
Amendments tabled in committee		PE653.762	24/06/2020	
Committee opinion	IMCO	PE648.599	08/07/2020	
Committee opinion	CULT	PE648.588	20/07/2020	
Committee report tabled for plenary, single reading		A9-0172/2020	01/10/2020	Summary
Text adopted by Parliament, single reading		T9-0274/2020	20/10/2020	Summary

Digital Services Act and fundamental rights issues posed

2020/2022(INI) - 01/10/2020 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by (Kris PEETERS, EPP, BE) 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. The types of digital services and the roles of digital service providers have drastically changed since the adoption of the e-Commerce Directive 20 years ago.

Data protection rules applicable to all providers offering digital services in the EU's territory, on the other hand, were recently updated and harmonised across the EU with the General Data Protection Regulation.

Tailored approach

In this regard, Members urged the Commission to adopt a tailored regulatory approach in order to address the differences that still persist between online and offline worlds and the challenges raised by the diversity of actors and services offered online. The 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 report deemed it necessary that illegal content be removed swiftly and consistently in order to address crimes 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.

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.

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.

Member States are called on to equip their law enforcement and judicial authorities with the necessary expertise, resources and tools to allow them to effectively and efficiently deal with the increasing number of cases involving illegal content online and with dispute resolution concerning the taking offline of content, and to improve access to justice in the area of digital services.

The report highlighted the fact that a specific piece of content may be deemed illegal in one Member State but is covered by the right to freedom of expression in another. Members suggested that the current EU legal framework governing digital services should be updated with a view to addressing the challenges posed by the fragmentation between the Member States and new technologies, as well as ensuring legal clarity and respect for fundamental rights, in particular the freedom of expression.

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.

In order 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.

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.