



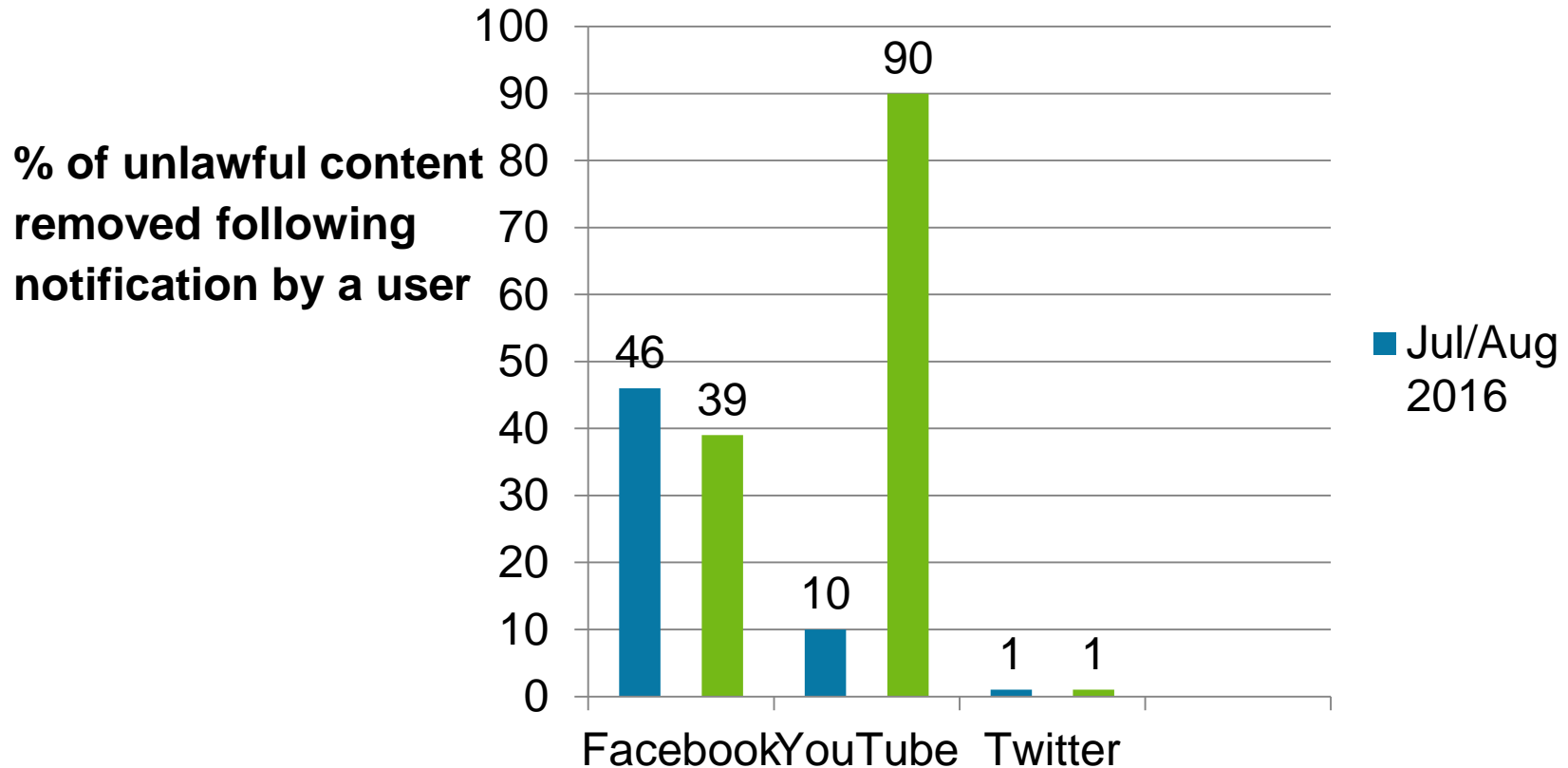
Bundesministerium
der Justiz und
für Verbraucherschutz

Act to Improve Enforcement of the Law in Social Networks

S&D Digital Working Groups Conference
Brussels, 6 September 2017



Results jugendschutz.net Monitoring



Network Enforcement Act

- Introduction of compliance rules on social networks (more than 2 Mio. registered users)
- Unlawful content
 - Hate crime
 - Fake news (if it fulfills the elements of criminal offences)
 - Child pornography
 - Promotion of terrorism

Instruments

- Compliance rules for notice and take down management, e.g.
 - Deletion of manifestly unlawful content within 24h
 - Deletion of unlawful content mainly within 7 days
 - Archivation of content for evidentiary purposes
 - Duty to inform affected users about decisions taken
- Reporting and publication obligations
- **Fines up to 5 million / 50 million Euros**

More Instruments

- Social networks must authorise designated person(s) to receive service and information requests
- Right to information about violator. A court order is necessary to enforce this right

Criticism

- Freedom of speech?
 - Compliance Rules only apply for content punishable under German penal code
- Overblocking?
 - Fines only for systemic mismanagement **and** culpable violations
 - Not in interest of networks
 - Networks can delegate tricky cases to a co-regulated institution („regulierte Selbstregulierung“)