



CONFEDERATION OF INDUSTRY
OF THE CZECH REPUBLIC

DIRECTOR GENERAL DAGMAR KUČTOVÁ

PRAGUE, 22 NOVEMBER 2018

REF. NO.: GR/309/2018

List of recipients:

HE Mr. Nikolaus Marschik,
MEP Helga Stevens,
Commissioner Věra Jourová

cc. Vice President Andrus Ansip,
Commissioner Julian King,
Commissioner Mariya Gabriel,
MEP Rachida Dati,
MEP Maite Pagazaurtundúa Ruiz,
MEP Josef Weidenholzer,
MEP Eva Joly,
MEP Cornelia Ernst

Your Excellence, Dear Commissioners, Dear EP members,

We, the undersigned European associations and companies, share the European Commission's goal to fight the dissemination of terrorist content and incitement to violence in the online sphere. We also welcome the Commission's intention to clarify processes and improve the cooperation between the competent authorities, law enforcement bodies and private companies.

At the same time, we are deeply concerned about some provisions in the European Commission's draft text of the Terrorist Content Online Regulation. We believe that the proposal requires further clarification and significant improvements - otherwise it would have disproportionately damaging economic effects on European businesses, hinder the freedom of speech, and lead to a further fragmentation of the European legislation - without ultimately serving the goal of tackling terrorist content online. That is why we urge the Commission to work together with the Council and the European Parliament on improving the proposal and prevent unintended consequences, particularly on European small and medium sized companies.

Most importantly, it is unrealistic to expect that hosting service providers will be able to comply with the one hour turnaround time for the removal of terrorist content and the implementation of proactive measures such as filtering mechanisms. Such a short deadline would mean that small companies would need to hire dozens of new employees to be "on call" 24-7 just in case a single removal order is sent. We do not share the Commission's opinion that this measure is welcomed by European SMEs, as was stated by its

officials. It would not make our life easier, but worse. We are pleading for caution, and sound and proportionate legislation.

Small providers would also have difficulty complying with the requirement of data preservation, due to the infrastructure needed and related costs required to preserve such a potentially large amount of data. Moreover, this would lead to a high financial burden on member states, which might end up being responsible for reimbursing the SMEs implementing proactive measures and retaining the data.

In order to improve the text and ease the excessive financial burden for European companies, we argue that proactive measures should be aligned with the E-Commerce Directive, in order to prevent the situation when companies are required by some member states to proactively filter content.

We are also convinced that the scope of the regulation should be narrowed down by excluding B2B services, which are not used for the incitement for terrorism in the first place. It should also be noted that certain hosting service providers providing the underlining infrastructure technically do not have access or control their customers' content, i.e. when the content itself is encrypted.

We, the undersigned, wish to engage constructively in the further discussions to ensure a workable text that would fulfil the ambition to effectively tackle illegal content online, while preserving European competitiveness and respecting freedom of expression. We stay at your disposal for any questions.

Yours sincerely,

Dagmar Kuchtová

Director General, Confederation of Industry of the Czech Republic



THE SLOVAK ALLIANCE
FOR INNOVATION ECONOMY





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