

Warszawa, 16 kwietnia 2019 r.
KL/152/71/AM/2019

Do: Panów Posłów i Pań Posłanek Parlamentu Europejskiego

Szanowni Państwo,

W związku z jutrzejszym głosowaniem na posiedzeniu plenarnym Parlamentu Europejskiego nad sprawozdaniem do projektu rozporządzenia Parlamentu Europejskiego i Rady *o zapobieganiu rozpowszechnianiu treści terrorystycznych online* (COM(2018) 640 final, dalej: projekt), Konfederacja Lewiatan zwraca się do Państwa z apelem o zgłoszenie bądź poparcie poprawek zmierzających do zmiany projektu w zgodzie z oczekiwaniami rynku.

Obawy firm wzbudzają przepisy nakładające na przedsiębiorców zrzeszonych w naszej organizacji, w tym małe i średnie podmioty gospodarcze, obowiązek usuwania treści terrorystycznych lub uniemożliwiania dostępu do tych treści **w ciągu godziny** od otrzymania nakazu usunięcia. Uważamy, że realizacja wspomnianego zobowiązania stanowić będzie wyzwanie dla firm, a w przypadku mniejszych przedsiębiorstw może okazać się wręcz niewykonalna, co wprost przyznaje Komisja Europejska w uzasadnieniu do projektu¹. Nie podważając słuszności celu jaki stawia sobie prawodawca unijny w projekcie rozporządzenia, zwracamy uwagę na to, że nowy mechanizm w małym stopniu uwzględnia uwarunkowania technologiczne po stronie przedsiębiorców, a także zróżnicowaną ilość treści kwalifikowanych jako treści terrorystyczne.

Naszym zdaniem przyspieszone tempo prac nad tak ważną regulacją wpłynęło negatywnie na jakość projektu i doprowadziło do pominięcia wątków ważnych dla przedsiębiorców, w tym dotyczących ich nowych obowiązków przewidzianych w projekcie. Mając na uwadze powyższe wyrażamy nadzieję, że nasz postulat zyska Państwa wsparcie na jutrzejszym głosowaniu.

Z poważaniem,



Henryka Bochniarz
Prezydent Konfederacji Lewiatan

Załącznik:

Propozycja Konfederacji Lewiatan w zakresie zmian legislacyjnych do projektu rozporządzenia Parlamentu Europejskiego i Rady *o zapobieganiu rozpowszechnianiu treści terrorystycznych online* (COM(2018) 640 final).

¹ <https://eur-lex.europa.eu/legal-content/PL/TXT/?qid=1537319954988&uri=CELEX%3A52018SC0408>





LEWIATAN

Do wiadomości:

Pan Marek Zagórski - Minister Cyfryzacji

Pani Wanda Buk - Podsekretarz Stanu, Ministerstwo Cyfryzacji

member of  **BUSINESSEUROPE**



Konfederacja Lewiatan
ul. Zbyszka Cybulskiego 3
00-727 Warszawa

tel. (+48) 22 55 99 900
fax (+48) 22 55 99 910
lewiatan@konfederacjalewiatan.pl
www.konfederacjalewiatan.pl

NIP 5262353400
KRS 0000053779
Sąd Rejonowy dla
m.st. Warszawy w Warszawie
XIII Wydział Gospodarczy KRS



Regulation to prevent the dissemination of terrorist content online

Polish Confederation Lewiatan - proposed amendments

	Original Text	Proposed amendment
<u>Recital (13)</u>	<p>The procedure and obligations resulting from legal orders requesting hosting service providers to remove terrorist content or disable access to it, following an assessment by the competent authorities, should be harmonised. Member States should remain free as to the choice of the competent authorities allowing them to designate administrative, law enforcement or judicial authorities with that task. Given the speed at which terrorist content is disseminated across online services, this provision imposes obligations on hosting service providers to ensure that terrorist content identified in the removal order is removed or access to it is disabled within one hour from receiving the removal order. It is for the hosting service providers to decide whether to remove the content in question or disable access to the content for users in the Union.</p>	<p>The procedure and obligations resulting from legal orders requesting hosting service providers to remove terrorist content or disable access to it, following an assessment by the competent authorities, should be harmonised. Member States should remain free as to the choice of the competent authorities allowing them to designate administrative, law enforcement or judicial authorities with that task. Given the speed at which terrorist content is disseminated across online services, this provision imposes obligations on certain hosting service providers to ensure that terrorist content identified in the removal order is removed or access to it is disabled expeditiously but no later than twelve hours after the receipt of the removal order. It is for the hosting service providers to decide whether to remove the content in question or disable access to the content for users in the Union.</p>

<p>recital (33)</p>	<p>(33) Both hosting service providers and Member States should establish points of contact to facilitate the swift handling of removal orders and referrals. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and referrals and of technical and personal means allowing for the swift processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled within one hour from the receipt of a removal order, hosting service providers should ensure that the point of contact is reachable 24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.</p>	<p>(33) Both hosting service providers and Member States should establish points of contact to facilitate the swift handling of removal orders and referrals. In contrast to the legal representative, the point of contact serves operational purposes. The hosting service provider's point of contact should consist of any dedicated means allowing for the electronic submission of removal orders and referrals and of technical and personal means allowing for the swift processing thereof. The point of contact for the hosting service provider does not have to be located in the Union and the hosting service provider is free to nominate an existing point of contact, provided that this point of contact is able to fulfil the functions provided for in this Regulation. With a view to ensure that terrorist content is removed or access to it is disabled expeditiously but no later than twenty four hours within one hour from the receipt of a removal order, hosting service providers should ensure that the point of contact is reachable 8 hours a day24/7. The information on the point of contact should include information about the language in which the point of contact can be addressed. In order to facilitate the communication between the hosting service providers and the competent authorities, hosting service providers are encouraged to allow for communication in one of the official languages of the Union in which their terms and conditions are available.</p>
-------------------------	--	---



LEWIATAN

<p><u>Article 4</u> <u>paragraph 1</u> <u>and 2</u> <u>Removal</u> <u>Orders</u></p>	<p>1. The competent authority shall have the power to issue a decision requiring the hosting service provider to remove terrorist content or disable access to it.</p> <p>2. Hosting service providers shall remove terrorist content or disable access to it within one hour from receipt of the removal order.</p>	<p>1. The competent authority shall have the power to issue a decision requiring a hosting service provider frequently exposed to an extensive amount of illegal terrorist content, to remove terrorist content or disable access to it.</p> <p>2. Hosting service providers shall remove terrorist content or disable access to it expeditiously but no later than twenty four hours from receipt of the removal order.</p>
--	--	--