



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Digital Single Market
E-Commerce and Platforms

Brussels, 5 July 2017
CONNECT F2/DVC

TO WHOM IT MAY CONCERN

Subject: Study on the Liability Regime and Notice-and-Action.

The European Commission made a commitment to *ensure better coordination of platform dialogues within the Digital Single Market focusing on the mechanisms and technical solutions for removal of illegal content, with a view to enhancing their effectiveness in full respect of fundamental rights. Where applicable, the aim should be to underpin these mechanisms with guidance on coherent procedural aspects such as the notification and removal of illegal content while ensuring transparency and the necessary checks and balances to protect fundamental rights, avoiding over-removal of legal content. The Commission will also provide guidance on liability rules and support to platforms on voluntary measures taken by platforms when they work proactively to remove illegal content, acting in good faith. This work should produce first concrete results by end of 2017.* ([Mid-Term Review on the implementation of the Digital Single Market Strategy](#))

As part of these efforts, the Commission seeks to collect the best evidence to inform the decision-making process and has contracted a study to **ICF Consulting and its partners, Grimaldi and 21c Consultancy** to support the process. The study will provide an in-depth analysis of the potential challenges raised by the current set-up of the liability regime for online hosting service providers and the existent notice-and-action practices for taking down illegal content.

We seek your assistance in collecting the most accurate data and information on all of the relevant processes you are involved in as well as on the costs entailed. The study is conducting a series of targeted surveys with hosting service-providers, organisations providing notifications on the existence of illegal content online, as well as national authorities and users of hosting service providers.

At the European Commission, we are very much open to dialogue with all interested parties. My colleagues, [Irene ROCHE-LAGUNA](#) and [Diana VLAD-CÂLCIC](#) will be happy to give you further details about the study.

e-signed
Werner STENGG
Head of Unit