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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	12 September 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 640 final ANNEXES 1 to 3
Subject:	ANNEXES to the proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing the dissemination of terrorist content online

Delegations will find attached document COM(2018) 640 final ANNEXES 1 to 3.

Encl.: COM(2018) 640 final ANNEXES 1 to 3



Brussels, 12.9.2018
COM(2018) 640 final

ANNEXES 1 to 3

ANNEXES

to the proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on preventing the dissemination of terrorist content online

{SEC(2018) 397 final} - {SWD(2018) 408 final} - {SWD(2018) 409 final}

ANNEX I

REMOVAL ORDER FOR TERRORIST CONTENT (Article 4 Regulation (EU) xxx)

Under Article 4 of Regulation (EU)...¹ the addressee of the removal order shall remove terrorist content or disable access to it, within one hour from receipt of the removal order from the competent authority.

In accordance with Article 7 of Regulation (EU) ...², addressees must preserve content and related data, which has been removed or access to it disabled, for six months or longer upon request from the competent authorities or courts.

The removal order should be sent in one of the languages designated by the addressee pursuant to Article 14(2)

SECTION A:

Issuing Member State:

.....

NB: details of issuing authority to be provided at the end (Sections E and F)

Addressee (legal representative)

.....

Addressee (contact point)

.....

Member State of jurisdiction of addressee: [if different to issuing state]

.....

Time and date of issuing the removal order

.....

Reference number of the removal order:

.....

SECTION B: Content to be removed or access to it disabled within one hour:

A URL and any additional information enabling the identification and exact location of the content referred:

¹ Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (*OJ L ...*).

² Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online (*OJ L ...*).

.....
Reason(s) explaining why the content is considered terrorist content, in accordance with Article 2 (5) of the Regulation (EU) xxx. The content (tick the relevant box(es)):

- ☐ incites, advocates or glorifies the commission of terrorist offences (Article 2 (5) a)
- ☐ encourages the contribution to terrorist offences (Article 2 (5) b)
- ☐ promotes the activities of a terrorist group, encouraging participation in or support of the group (Article 2 (5) c)
- ☐ provides instructions or techniques for committing terrorist offences (Article 2 (5) d)

Additional information on the reasons why the content is considered terrorist content (optional):

SECTION C: Information to content provider

Please note that (tick, if applicable):

- ☐ for reasons of public security, the addressee **must refrain from informing the content provider** whose content is being removed or to which access has been disabled.

Otherwise: Details of possibilities to contest the removal order in the issuing Member State (which can be passed to the content provider, if requested) under national law; see Section G below:

SECTION D: Informing Member State of jurisdiction

- ☐ Tick if the state of jurisdiction of the addressee is other than the issuing Member State:
- ☐ a copy of the removal order is sent to the relevant competent authority of the state of jurisdiction

SECTION E: Details of the authority which issued the removal order

The type of authority which issued this removal order (tick the relevant box):

- ☐ judge, court, or investigating judge
- ☐ law enforcement authority
- ☐ other competent authority→ please complete also Section (F)

Details of the issuing authority and/or its representative certifying the removal order as accurate and correct:

Name of authority:

.....

Name of its representative:

.....

Post held (title/grade):

.....

File No:.....

Address:.....

Tel. No: (country code) (area/city code)

.....

Fax No: (country code) (area/city code)

.....

Email:

Date:

.....

Official stamp (if available) and signature³:

.....

SECTION F: Contact details for follow-up

Contact details where issuing authority can be reached to receive feedback on time of removal or the disabling of access, or to provide further clarification :

.....

Contact details of the authority of the state of jurisdiction of the addressee [if different to the

³ A signature may not be necessary if sent through authenticated submission channels.

issuing Member State]

.....

SECTION G: Information about redress possibilities

Information about competent body or court, deadlines and procedures for contesting the removal order:

Competent body or court to contest the removal order:

.....

Deadline for contesting the decision:

Xxx months starting from xxxx

Link to provisions in national legislation:

.....

ANNEX II

FEEDBACK FORM FOLLOWING REMOVAL OR DISABLING OF TERRORIST CONTENT (Article 4 (5) of Regulation (EU) xxx)

SECTION A:

Addressee of the removal order :

.....

Authority which issued the removal order:

.....

File reference of the issuing authority

.....

File reference of the addressee:

.....

Time and date of receipt of removal order:

.....

SECTION B:

The terrorist content/access to terrorist content, subject to the removal order has been (tick the relevant box):

☐ removed

☐ disabled

Time and date of removal or disabling access

SECTION C: Details of the addressee

Name of the hosting service provider/ legal representative:

.....

Member State of main establishment or of establishment of the legal representative:

.....

Name of the authorised person:

.....

Details of contact point (Email):

.....

Date:

.....

ANNEX III

INFORMATION ON THE IMPOSSIBILITY TO EXECUTE THE REMOVAL ORDER (Article 4 (6) and (7) of Regulation (EU) xxx)

SECTION A:

Addressee of the removal order:

.....

Authority which issued the removal order:

.....

File reference of the issuing authority:

.....

File reference of the addressee:

.....

Time and date of receipt of removal order:

.....

SECTION B: Reasons for non-execution

(i) The removal order cannot be executed or cannot be executed within the requested deadline for the following reason(s):

☐ *force majeure* or de facto impossibility not attributable to the addressee or the service provider

☐ the removal order contains manifest errors

☐ the removal order does not contain sufficient information

(ii) Please provide further information as to the reasons for non-execution:

.....

(iii) If the removal order contains manifest errors and/or does not contain sufficient information, please specify which errors and what further information or clarification is required:

.....

SECTION H: Details of the service provider / its legal representative

Name of the service provider/ legal representative:

.....

Name of the authorised person:

.....

Contact details (Email):

.....

Signature:

.....

Time and date:

.....