



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2021/0045/D (Germany)

Amendment of the Network Enforcement Act with regard to information for scientific research

Date received : 28/01/2021

End of Standstill : 29/04/2021 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2021) 00320

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2021/0045/D

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidējimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202100320.EN)

1. MSG 002 IND 2021 0045 D EN 28-01-2021 D NOTIF

2. D

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4. 2021/0045/D - SERV60

5. Amendment of the Network Enforcement Act with regard to information for scientific research

6. Providers of social networks and video-sharing platforms

7. -

8. The proposed regulation provides that researchers may request information from social network providers with at least two million registered users in Germany on the use and [BR1]mode of operation of procedures for the automatic recognition of content to be removed or disabled, as well as on the dissemination of content that has been the subject of complaints regarding illegal content and has been removed or disabled by the provider. The regulation does not authorise researchers to have direct technical access to databases or technical systems of the provider. The researcher requesting information must submit a protection concept to the provider, which must be sent to the competent data protection supervisory authority at the same time as the request for information. The information can be refused if it conflicts with overriding interests of the providers or persons concerned that are worthy of protection. The provider is entitled to reimbursement of costs incurred in providing the information in a reasonable amount.



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9. Political debates and opinion-forming processes are increasingly taking place in the digital space and on social media. The communication process that takes place there is now of considerable importance for the formation of public opinion. There is a considerable public interest in enabling more transparency on the functioning of the respective platforms and the process of content dissemination there, as well as independent research findings on such. It is equally important to understand how content subject to a complaint as being illegal and/or that has been removed or disabled by the provider is disseminated or has been disseminated on social networks, also in order to enable the parties involved to take more effective action against the dissemination of illegal content based on a deeper understanding of the dissemination mechanisms.

Due to the considerable importance of the social networks covered, the improved possibilities of gathering findings secured by the right to information are in any case necessary for the prevention of criminal offences, including combating incitement to hatred, as well as for the protection of consumers.

10. Reference(s) to basic text(s): Network Enforcement Act of 1 September 2017 (Federal Law Gazette I I p. 3352)
<https://www.gesetze-im-internet.de/netzdg/NetzDG.pdf>

The basic texts were forwarded with an earlier notification: 2020/0174/D

11. No

12. -

13. No

14. No

15. For the providers of social networks with at least two million registered users in Germany, the cost of providing information has not been calculated. However, this cost is to a large extent covered by the fact that the providers are entitled to reimbursement from the researchers for costs incurred in providing the information in a reasonable amount.

16. TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft has no significant impact on international trade.

European Commission

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