

# Draft Act amending the Network Enforcement Act<sup>1, 2</sup>

of 3 June 2021

The Federal Parliament has adopted the following Act:

## Article 1

### Amendment to the Network Enforcement Act

The Network Enforcement Act of 1 September 2017 (Federal Law Gazette I p. 3352), [last] amended by Article 7 of the Act of 30 March 2021 (Federal Law Gazette I p. 441), further amended by Article 15 of the Act of 30 March 2021 (Federal Law Gazette I p. 448) is amended as follows:

1. In § 1(2), the words ‘§§ 2 and 3’ are replaced by the words ‘§§ 2 to 3b and 5a’.
2. § 2: Paragraph 2 is amended as follows:
  - a) Point 2 is replaced by the following points 2 and 3:
    - ‘2. The nature, basic outline of the functioning and scope of any procedures used to automatically recognise content that is to be removed or blocked, including general information on the training data used and the review of the results of these procedures by the provider, as well as information on the extent to which scientific and research groups are supported in the evaluation of these procedures, and these are given access to information from the provider for this purpose.
    3. Description of the mechanisms for the transmission of complaints about unlawful content, description of the decision criteria for the removal and blocking of unlawful content and description of the review procedure, including the order of the review as to whether unlawful content is at hand or whether contractual provisions between provider and user are being violated,’.
  - b) The previous points 3 to 6 become points 4 to 7.
  - c) The previous point 7 becomes point 8 and the words ‘according to the total number as well as’ are inserted after the word ‘led,’ and a comma and the words ‘which step in the test sequence pursuant to point 3 led to the removal or blocking’ are inserted after the words ‘users took place’.
  - d) The previous point 8 becomes point 9 and is worded as follows:
    - ‘9. the respective number of complaints about unlawful content that resulted in the removal or blocking of the unlawful content within 24 hours, within

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<sup>1</sup> This Act serves to implement Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69).

<sup>2</sup> Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

48 hours or within a week of receipt, or at a later time, broken down by complaints from complaints offices and users as well as broken down according to the reason for the complaint,'.

e) The previous point 9 becomes point 10 and the full stop at the end is replaced by a comma.

f) The following points 11 to 17 are added:

'11. Number of appeals received in the reporting period as per § 3b(1)(2), according to the total number and broken down according to appeals by complainants and users for whom the contested content was saved, each with details on how many cases the appeal was remedied in,

12. Number of appeals received in the reporting period as per § 3b(3) sentence 1, each with details on the number of cases in which a review as per § 3b(3) sentence 3 was dispensed with and on the number of cases in which the appeal was remedied,

13. Information on whether and to what extent scientific and research groups were granted access to information from the provider in the reporting period in order to enable them to be anonymously evaluated as to whether

a) removed or blocked unlawful content is linked to characteristics as defined by § 1 of the General Equal Treatment Act of 14 August 2006 (Federal Law Gazette I p. 1897), last amended by Article 8 of the Act of 3 April 2013 (Federal Law Gazette I p. 610), as amended,

b) the dissemination of unlawful content affects certain user groups in specific ways and

c) organised structures or coordinated behaviours form the basis of the dissemination.

14. other measures by the provider to protect and support those affected by unlawful content,

15. a summary with a tabular overview showing the total number of complaints received about unlawful content, the percentage of content removed or blocked in response to these complaints, the number of appeals, respectively according to § 3b(1) sentence 2 and § 3b(3) sentence 1 and the respective percentage of decisions changed based on these appeals, the corresponding numbers for the two previous reporting periods, combined with an explanation of significant differences and possible reasons for them.'

16. Explanation of the provisions in the provider's general terms and conditions on the permissibility of distributing content on the social network used by the provider for contracts with consumers.

17. Presentation of the extent to which the agreement on the provisions under paragraph 16 is consistent with the requirements of §§ 307 to 309 of the Civil Code and other legislation.'

3. § 3 is amended as follows:

a) In paragraph 1(2), the words 'while perceiving the content' are added after the word 'a' and a comma and the words 'easy to use' are added after the word 'attainable'.

b) Paragraph 2 is amended as follows:

a%6) In point 3(b) the words 'the social network' are replaced by the words 'the social network provider'.

b%6) Paragraphs 4 and 5 are worded as follows:

4. in the event of removal, secures the content for evidence and for this purpose saves it for a period of 10 weeks within the scope of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on E-commerce') (OJ L 178, 17.7.2000, p. 1) and Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1; L 263, 6.10.2010, p. 15) as amended by Directive (EU) 2018/1808 (OJ L 303, 28.11.2018, p. 69),

5. to inform the complainant and the user for whom the contested content was saved about each decision without delay, and in doing so

a) justifies his decision,

b) indicates the possibility of an appeal as per § 3b(1)(2), the procedure provided for this as per § 3b(1)(3), the deadline as per § 3b(1)(2) and that the content of the appeal can be passed on within the scope of the procedure as per § 3b(2)(1), and

c) informs the complainant that he can file a notice of an offence and, if necessary, an application for prosecution against the user for whom the contested content has been saved, and about the website on which he can receive further information about this.'

c%6) The following sentences are added:

'In the cases of sentence 1(3)(b), the social network provider may disclose the contested content, information on the time of sharing or making the content accessible and the extent of its dissemination, as well as the content in a recognisable context (if necessary for the purpose of the decision) to the recognised self-regulation body. The self-regulation body is authorised to process the personal data concerned to the extent necessary for the review. Any inaccuracy of the decision taken by the self-regulation body in the cases of sentence 1(3)(b) does not constitute a violation of paragraph 1(1) by the social network provider.'

c) Paragraph 6 is amended as follows:

a%6) In point 3, the word 'provides,' is replaced by the words 'provides at the request of the complainant and at the request of the user for whom the contested content has been saved, and'.

b%6) Point 4 is deleted.

c%6) Point 5 becomes point 4.

d) The following sentences are added to paragraph 7:

'It shall give the central supervisory authority of the federal states for the protection of minors from harmful media the opportunity to comment before the decision on recognition. 'The decision can be issued with auxiliary conditions. A time limit should not be less than five years.'

e) The following paragraphs 8 and 9 are added after paragraph 7:

'(8) The recognised self-regulation body must immediately inform the administrative authority mentioned in § 4 of changes in the circumstances relevant to the recognition and other information provided in the application for recognition.

(9) The recognised self-regulation body must publish an activity report on the previous calendar year on its website by July 31 of each year and forward it to the administrative authority mentioned in § 4.'

f) The previous paragraphs 8 and 9 become the new paragraphs 10 and 11.

4. § 3a is amended as follows:

a) Paragraph (4) is worded as follows:

'(4) The transmission to the Federal Criminal Police Office must include:

1. the content and, if available, the time at which the content was shared or made available to the public, indicating the underlying time zone,
2. the following information about the user who shared the content with other users or made it available to the public:
  - a) the user name and,
  - b) if available, the last IP address used in relation to the social network provider, including the port number and the time of the last access, indicating the underlying time zone.'

b) The following paragraph 8 is added:

'(8) Law enforcement authorities may, for the purposes of a general discussion with social networking providers on the application of paragraphs 1 to 7, process the personal data necessary for that purpose in a pseudonymised form.'

5. The following §§ 3b to 3f are added before § 4:

#### '§ 3b

#### Appeal procedure

(1) The social network provider must maintain an effective and transparent procedure in accordance with paragraph 2, with which both the complainant and the user for whom the contested content has been saved, can initiate a review of a decision

made on a complaint on unlawful content on the removal or prevention of access to a content (original decision); the cases under § 3(2) sentence 1 number 3 (b) are exempt. The review is only required if the complainant or the user for whom the contested content has been saved files an application for review with statement of reasons within two weeks of being informed of the original decision (appeal). For this purpose, the social network provider must provide an easily recognisable procedure that enables easy electronic contact and direct communication with it. The means of contact must also be addressed in the information as per § 3(2)(1)(5)(b).

(2) The procedure as per paragraph 1(1) shall ensure that the social network provider,

1. in case it wishes to remedy the appeal, immediately informs the user of the content of the appeal in the case of an appeal by the complainant, immediately informs the complainant of the content of the appeal in the event of an appeal by the user, and provides the user in the first case and the complainant in the second with the opportunity to make a statement within a reasonable time,
2. points out that the content of a user's statement can be passed on to the complainant and the content of a complainant's statement can be passed on to the user,
3. immediately subjects its original decision to a review by a person who was not involved with the original decision,
4. transfers its review decision sent to the complainant and the user without delay and substantiates it on a case-by-case basis, albeit in the cases of failure to remedy, the complainant and the user only insofar as they were already included in the appeal process and
5. ensures that the complainant's and the user's identity is not disclosed in the procedure.

(3) Unless a decision to remove or disable access to content is based on a complaint about unlawful content, paragraphs 1 and 2 shall apply *mutatis mutandis*. If the decision is based on a complaint about the content by a third party, the person who transmitted the complaint to the provider of the social network shall take the place of the complainant. By way of derogation from paragraph 2(3), it shall not be necessary for the review to be carried out by a person not involved in the original decision. By way of derogation from paragraph 1, sentence 2, the review pursuant to sentence 1 shall not be required if the content is recognisably unwanted commercial communication or commercial communication that violates the provider's general terms and conditions, which has been shared by the user with other users in a large number of cases or has been made accessible to the public and the appeal obviously has no prospect of success.

(4) The right to pursue legal action remains unaffected.

### § 3c

#### Arbitration

(1) The administrative authority referred to in § 4 can recognise organisations under private law as arbitration bodies for out-of-court settlement of disputes between

complainants or users for whom the contested content has been saved and social network providers on decisions made in accordance with § 3(2)(1)(1) to (3).

(2) An organisation under private law is to be recognised as an arbitration body as per paragraph 1 if

1. its sponsor is a legal person,
  - a) based in a Member State of the European Union or in another State party to the Agreement on the European Economic Area to which Directive 2010/13/EU applies,
  - b) established for the long term
  - c) with secure financing,
2. the independence, impartiality and expertise of those who are to be involved in arbitration are guaranteed,
3. their proper equipment and the timely processing of arbitration procedures are ensured,
4. it has rules of arbitration that regulate the details of the arbitration procedure and its competence and that enables a simple, inexpensive, non-binding and fair arbitration procedure in which the social network provider, the complainant and the user for whom the contested content was saved can participate,
5. it is ensured that the public is continuously informed of the availability and competence of the arbitration body and of the course of the arbitration procedure, including the rules of arbitration.

§ 3(7)(2) and (3) and paragraphs (8) through (10) shall apply accordingly.

(3) Complainants and users for whom the contested content has been saved can call an arbitration body within their area of competence if an appeal procedure pursuant to § 3b has previously been carried out or the decision as per § 3(6)(3) has been reviewed and the social network provider takes part in the arbitration by this arbitration body in general or in individual cases. If the provider takes part in the arbitration, he may send the arbitration body the contested content, information on the time of sharing or provision of the content and the extent of dissemination, as well as contents in recognisable connection to the content, if this is necessary for the arbitration procedure; in case of a call to the arbitration body by the complainant, the contact details of the user for whom the contested content has been saved may be transmitted and, in case of a call to the arbitration body by the user for which the contested content has been saved, the contact details of the complainant may also be transmitted. The arbitration body is authorised to process the relevant personal data if this is necessary for the arbitration procedure; disclosure of the personal data of the complainant and the user for whom the contested content was saved is excluded.

(4) Participation in arbitration procedures is voluntary. The right to appeal to the courts remains unaffected. The Act on Alternative Dispute Resolution in Consumer Matters of 19 February 2016 (Federal Law Gazette I p. 254, 1039) amended by Article 1 of the Act of 30 November 2019 (Federal Law Gazette I p. 1942) shall not apply.

Definitions for video sharing platform services

(1) For the purposes of this Act:

1. video sharing platform services are
  - a) telemedia, the main purpose or essential function of which is to make broadcasts or user-generated videos for which the service provider has no editorial responsibility available to the general public, in which the service provider determines the organisation of the broadcasts or user-generated videos, including by automatic means,
  - b) separable parts of telemedia, if the separable part has the main purpose specified in (a),
2. a user-generated video is a sequence of moving images with or without sound created by a user which, regardless of its length, constitutes an integral part and which is uploaded to a video sharing platform service by this or another user,
3. a broadcast is a sequence of moving pictures with or without sound that, regardless of its length, is an integral part of a broadcasting plan or catalogue created by a service provider,
4. a Member State is any Member State of the European Union and any other state party to the Agreement on the European Economic Area to which Directive 2010/13/EU applies,
5. a parent company is a company that controls one or more subsidiaries,
6. a subsidiary is a company that is directly or indirectly controlled by a parent company,
7. a group is the entirety of a parent company, all of its subsidiaries and all other companies that are economically and legally affiliated with the parent company and its subsidiaries.

(2) For the purposes of this Act, the domicile of a provider of a video sharing platform service is the Member State in whose territory the provider is established. If a provider of video sharing platform services is not established in the territory of a Member State, the Member State is the country of domicile in whose territory

1. a parent company or a subsidiary of the provider, or
2. another company in a group of which the provider is part,

is established.

(3) If, in the cases of paragraph 2(2), the parent company, the subsidiary or the other companies of the group are each established in different Member States, then the provider is deemed to be established in the Member State in which its parent company is established or, in the absence of such an establishment, it is deemed to be established in the Member State in which its subsidiary is established or, in the absence of such an establishment, in the Member State in which the other company in the group is established. If there are several subsidiaries and each of these sub-

subsidiaries is established in a different Member State, the provider is deemed to be established in the Member State in which one of the subsidiaries commenced its operations first, provided that the subsidiary is permanently and factually connected to the economy of that Member State. If there are several other companies that are part of the group, each of which is established in a different Member State, the provider is deemed to be established in the Member State in which one of these companies first started, provided that there is a permanent and factual connection to the economy of that Member State.

(4) If there are disputes between the administrative authority mentioned in § 4 and an authority of another Member State as to which Member State is deemed to be the domicile of a provider of video sharing platform services, the administrative authority mentioned in § 4 shall immediately inform the European Commission.

### § 3e

#### Provisions applicable to video sharing platform services

(1) This Act applies to providers of video sharing platform services, unless the paragraphs 2 and 3 state otherwise.

(2) For providers of video sharing platform services that have fewer than two million registered users in Germany, this Act only applies if the Federal Republic of Germany is the country of domicile or is deemed to be the country of domicile in accordance with § 3d(2) and (3). This Act only applies to them with regard to user-generated videos and broadcasts as per § 3d(1)(2) and (3) which have content that meets the criteria for an offence as defined by §§ 111, 130(1) or (2), §§ 131, 140, 166 or 184b of the Criminal Code and is not justified. In deviation from § 1(2), these providers of video sharing platform services are exempt from the obligations under § 2, § 3(2)(1)(3) and (4) as well as paragraph (4) and § 3a.

(3) With respect to user-generated videos and broadcasts mentioned in paragraph 2(2), the obligations under §§ 2, 3 and 3b only apply to video sharing platform service providers for which a Member State other than the Federal Republic of Germany is or is considered to be the country of domicile in accordance with §§ 3d(2) and (3) on the basis and in the scope of an order from the authority named in § 4. The order may only be issued if the conditions of § 3(5) of the Telemedia Act of 26 February 2007 (Federal Law Gazette I p. 179), last amended by Article 12 on the Act on 30 March 2021 (Federal Law Gazette I p. 448) have been met, and in observance of the procedural steps required in accordance therewith. The administrative authority named in § 4 can commission a body to check whether the conditions of § 3(5)(1) of the Telemedia Act have been met.

(4) If this Act applies to the provider of a video sharing platform service in accordance with paragraphs 1 to 3 with regard to the user-generated videos and broadcasts referred to in paragraph 2(2), it will be obliged to reach an effective agreement with its users that the distribution of the user-generated videos and broadcasts named in paragraph 2(2) is prohibited.

§ 3f

Official arbitration for disputes with video sharing platform services

(1) An official arbitration body is set up at the administrative authority mentioned in § 4. The official arbitration body exists for the extrajudicial settlement of disputes with providers of video sharing platform services regarding decisions as per § 3(2)(1) (1) to (3) concerning the presence of user-generated videos and broadcasts that have content that meets the criteria for an offence specified in § 3e(2)(2) is not justified. The official arbitration body is only responsible for disputes with providers of video sharing platform services where the Federal Republic of Germany is, or is deemed to be, the country of domicile in accordance with § 3d(2), and only if the provider does not participate in arbitration procedures by a recognised arbitration body in accordance with § 3c(1) or if no organisation under private law is recognised as an arbitration body in accordance with § 3c(1).

(2) The requirements of § 3c(2)(1)(2) to (5) as well as § 3(9) and § 3c(3) and (4) apply to the official arbitration body accordingly.

(3) The official arbitration body may charge fees for conducting the arbitration procedure which must be specified in their arbitration rules.'

6. § 4 is amended as follows:

a) Paragraph 1 is amended as follows:

a%6) In point 2, the words 'or § 3b(1)(1)' are inserted after the specification 'Sentence 1' and the words 'or for a review of a decision' are inserted after the word 'have'.

b%6) In point 3, the words 'or § 3b(1)(3)' are inserted after the specification 'Sentence 2'.

c%6) Point 6a becomes point 7.

d%6) The previous points 7 and 8 become the new points 8 and 9.

b) In paragraph 2(1), the words 'points 7 and 8' are replaced by the words 'points 8 to 9'.

7. The following § 4a is inserted after § 4:

'§ 4a

Supervision

(1) The administrative authority specified in § 4 shall monitor compliance with the provisions of this Act.

(2) If the administrative authority referred to in § 4 determines that a social network provider has violated or is violating the provisions of this Act, it will take the necessary measures against the provider. In particular, it can require the provider to remedy the infringement. § 4 (5) shall apply mutatis mutandis, with the proviso that the court that would decide on the objection to an administrative fine is competent.

(3) In the administrative procedure pursuant to paragraph 2, the social network provider shall provide the administrative authority referred to in § 4 with information on the measures taken to implement this Act, the number of registered users in Germany and the complaints about unlawful content received in the past calendar year; the representation of the provider, as well as in the case of legal entities, companies and unincorporated associations, the persons appointed by law or the articles of association are required to disclose the requested information on behalf of the company. The request for information must be proportionate. If natural persons are obliged to cooperate in accordance with sentence 1, they must also disclose facts that may result in prosecution for a criminal offence or an administrative offence if it is otherwise difficult or unlikely to obtain the information. However, information provided by a natural person pursuant to sentence 1 may only be used in criminal proceedings or in proceedings under the Code of Administrative Offences against said person or one of the relatives specified in § 383(1)(1) to (3) of the Code of Civil Procedure with the consent of said person. Information provided in accordance with sentence 1 may only be used against the provider in proceedings for setting a fine in accordance with § 30 of the Code of Administrative Offences with the consent of the provider or the person who has given the information as a result of their obligation under sentence 1.

(4) Witnesses are obliged to testify in the administrative procedure under paragraph 2. The witness may refuse to disclose in case of questions which, if answered, would place the witness himself or one of the relatives described in § 383(1)(1) to (3) of the Code of Civil Procedure at risk of criminal prosecution or proceedings pursuant to the Code of Administrative Offences. Otherwise, the provisions of the Code of Civil Procedure regarding the obligation to testify as a witness shall apply accordingly. The administrative authority referred to in § 4 must inform the witness of his right to refuse to testify before the hearing.'

8. § 5 is amended as follows:

a) Paragraph 1(2) and (3) are worded as follows:

'Deliveries can be made to him in proceedings on fines and in supervisory proceedings in accordance with §§ 4 and 4a or in judicial proceedings before German courts on the basis of dissemination or unjustifiable acceptance of the dissemination of unlawful content, particularly in cases in which the reinstatement of removed or blocked content is requested. This also applies to the delivery of documents that initiate such proceedings, for the delivery of final judicial decisions and for deliveries in enforcement or enforcement proceedings.'

b) Paragraph 2 is amended as follows:

a%6) In sentence 1, the words 'towards the administrative authority referred to in § 4' are inserted after the word 'domestic'.

b%6) The following sentences are added:

'The administrative authority referred to in § 4 keeps a list of authorised recipients. It shall provide information on this to domestic law enforcement agencies upon request.'

9. After § 5, the following § 5a is inserted:

### Information for scientific research

(1) For the purposes of this provision, ‘researcher’ means any natural person or legal entity carrying out scientific research.

(2) Researchers may request qualified information from a social network provider about

1. the use and specific workings of automated procedures for detecting content to be removed or blocked, in particular the nature and extent of the technologies used and the purposes, criteria and parameters used to program them, as well as the data used;

2. the dissemination of content which has attracted complaints regarding illicit content or which the provider has removed or blocked, in particular the relevant content and information about which users have interacted with the content and how.

(3) Information under paragraph 2 may be requested only to the extent necessary for scientific research projects in the public interest on the nature, scope, causes and effects of public communication on social networks and how providers deal with this.

(4) Access may only be granted if the researcher presents a security concept to the social network provider. The protection concept includes

1. a description of the information required for the research purposes referred to in paragraph 3,

2. a description of the intended use of the information,

3. a description of the measures taken to prevent any other use of the information,

4. a description of the precautions taken to protect the provider’s legitimate interests, and

5. a description of the technical and organisational measures taken to protect personal data.

(5) The provider of a social network may refuse to provide information if:

1. its legitimate interests significantly outweigh the public interest in research; or

2. the data subjects’ legitimate interests are encroached upon and the public interest in the research does not outweigh the data subjects’ interest in maintaining confidentiality.

(6) Social network providers may send the following personal data for the purposes of granting access in accordance with paragraph 2:

1. the distributed content,

2. complaints about illegal content;

3. the usernames of the parties involved in the dissemination;
4. the specific circumstances of the interactions between the participants in the dissemination with regard to the content concerned; and
5. data used to train automated procedures for detecting content to be removed or blocked, along with information on the workings, purposes, criteria and parameters for programming these procedures.

The data must be transmitted anonymously or at least pseudonymised, insofar as this is possible without endangering the research purpose.

(7) Researchers may process the data solely for the purposes of scientific research projects referred to in paragraph 3. Where researchers process special categories of data within the meaning of Article 9(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1; L 314, 22.11.2016, p. 72; L 127, 23.5.2018, p.2) in the current version, the researcher shall provide for appropriate and specific measures to safeguard the interests of the data subject in accordance with the second sentence of § 22(2)(2) of the Federal Data Protection Act. In addition to the measures referred to therein, the data referred to in Article 9(1) of Regulation (EU) 2016/679 shall be anonymised as soon as possible according to the research purpose. Any data protection requirements beyond this remain unaffected.

(8) The provider of a social network shall be entitled to a reasonable reimbursement of the costs incurred in providing information pursuant to paragraph 2 to the researcher. When determining the appropriate level of these costs, it must be kept in mind that they must not be so high as to constitute a substantial obstacle to exercising the right to information. § 287 Paragraph 1 of the Code of Civil Procedure shall apply mutatis mutandis. The maximum reimbursable costs shall be EUR 5 000, except as provided for by sentence 5. This amount may only be exceeded if providing access entails exceptionally high costs. After submitting the security concept in accordance with paragraph 4, researchers may demand a free cost estimate from the provider within a reasonable period of time.'

10. The following (3) to (6) are added to § 6:

'(3) § 2 in the version of the Act to improve the entry into force in social networks of 1 September 2017 (Federal Law Gazette I p. 3352) applies to reports covering periods up to and including December 31 2021.

(4) The report pursuant to § 3(9) is initially to be submitted by 31 July 2022.

(5) § 3(6)(3) in the version of the Act of 1 September 2017 (Federal Law Gazette I p. 3352) applies to self-regulation bodies to improve the entry into force in social networks which were already recognised on 28 June 2021 until the end of the year 2022.'

(6) For providers that are not providers of video-sharing platform services, § 3b shall only apply from 1 October 2021. In the case of providers of video-sharing platform services, § 3b shall apply only from 1 October 2021 with regard to content that is not user-generated videos or broadcasts.'

## Article 2

### Amendment to the Telemedia Act

§ 14 of the Telemedia Act of 26 February 2007 (Federal Law Gazette I p. 179), last amended by Article 12 of the Act of 30 March 2021 (Federal Law Gazette I pp. 448, 1380) is amended as follows:

11. The following sentence is added to paragraph 3:

'To this extent, he is obliged to provide information to the aggrieved party.'

12. The following sentence is inserted after paragraph 4(1):

'The court also decides on the obligation to provide information, unless the request is expressly limited to ordering the admissibility of the information.'

## Article 3

### Amendment to the Act on combating right-wing extremism and hate crime

Article 7(1)(b) and (2) of the Act on combating right-wing extremism and hate crime of 30 March 2021 (Federal Law Gazette I p. 441), as amended by Article 15 of the Act of 30 March 2021 (Federal Law Gazette I, p. 448), is repealed.

## Article 4

### Entry into force

(2) This Act shall enter into force on 28 June 2021, subject to Articles 2 and 3.

(3) In Article 1(3)(b) double letter bb, § 3(2)(5) of the Network Enforcement Act enters into force on 1 October 2021.

(4) The following enter into force on 1 February 2022:

1. Article 1(4),
2. Article 1(6)((a) (double letters cc and dd) and (b)) and
3. Article 1(9).

The rights of the Bundesrat under the constitution are hereby preserved.

The Act stipulated above is hereby executed. and shall be published in the Federal Law Gazette.

Berlin, 3 June 2021

The Federal President

Steinmeier

The Federal Chancellor

Dr Angela Merkel

The Federal Minister  
for Justice and Consumer Protection

Christine Lambrecht