

FRA addresses national event marking 20 years of the EU Charter

FRA introduced the Charter, including its legal effects, novelties and potential. It also spoke about the Agency's role in promoting the Charter and contributing to its respect by the EU and Member States. The online event took place on 29 January. It was broadcast from Budapest, with some 100 people in attendance. Questions touched upon the current key fundamental rights challenges in the EU, the role and the power of the Charter to leave its mark in other parts of the world.

Press release – Regulate social media platforms to defend democracy, MEPs say



In a debate with Secretary of State for European Affairs Ana Paula Zacarias from the [Portuguese Presidency of the Council](#), and [Commission Vice-President Věra Jourová](#), almost all speakers criticised the vast power of social media platforms and their worrying impact on politics and freedom of speech.

Citing various decisions taken by the platforms to censor content or accounts, a large majority in the chamber highlighted the lack of clear rules governing such decisions and the lack of transparency of big tech practices. They urged the Commission to address the issue in [the Digital Services Act and the Digital Markets Act](#), and as part of the [Democracy Action Plan](#).

Most speakers focused on the need to provide legal certainty when removing content, and to ensure that such decisions lie with democratically accountable authorities, and not with private companies, in order to safeguard freedom of speech.

Other topics raised included:

- the need to defend democracy and EU values by tackling disinformation and increasing efforts to subvert them or incite violence;
- technology being used to enhance rather than limit political discourse, while addressing the issue of proliferation of hate speech and discrimination online;
- algorithm transparency, use of personal data and the restriction (or ban) of microtargeting and profiling practices to fundamentally alter the business models of tech giants;
- the problems caused by the emergence of tech monopolies and their impact on media pluralism, as well as on pluralism in public discourse;
- the false dichotomy between the online and offline spheres and the need for rules that cover all aspects of life; and
- the systemic risks, as well as the societal and economic harm, that major platforms can cause or exacerbate.

Catch up with the recorded debate [here](#).

Background

In October 2020, in its recommendations on the Digital Services Act, [Parliament stressed](#) that the responsibility for enforcing the law must rest with public authorities, and that decisions should ultimately lie with an independent judiciary and not with a private commercial entity. [5]

The 2019 European Elections were protected from disinformation through an EU [action plan](#) and the European Commission's [code of practice](#) for platforms. However, in the context of the Democracy Action Plan, the Commission has confirmed that self-regulatory measures need to be replaced with a mix of mandatory and co-regulation measures to appropriately protect the fundamental rights of users and regulate content moderation.

Parliament has recently also spoken out against [the deterioration of fundamental rights](#), [the worrying state of media freedom in the EU](#), and online disinformation campaigns by foreign and domestic actors.

[Article – Social media and democracy: we need laws, not platform guidelines](#)



In the wake of recent events in the US and the question of regulating social media, MEPs discussed their relationship with freedom of speech, fundamental rights, the state of media freedom in the EU as well as online disinformation campaigns.

The debate on 10 February comes as the EU is working on the Digital Services Act (DSA) and the Digital Markets Act (DMA). They will include [rules for platforms](#) as well as solutions for tackling [harmful or illegal content online](#), such as disinformation.

MEPs praised these efforts to regulate the online world via laws, not platform guidelines, but said they must safeguard freedom of expression and fundamental rights, while avoiding censorship.

According to [Marina Kaljurand](#) (S&D, Estonia) current measures against disinformation and hate speech are “insufficient to counter the assault on our democracy”. She said: “After the riots in Capitol Hill, the ultimate price of allowing disinformation and hatred to spread online unchecked is clear to all of us.” Welcoming the proposed legislation, she added: “The EU led the way and set the example by the [GDPR](#). Now we need to go further. (...) This is our opportunity to lead the way and I hope that we can do it together with our allies in the US and beyond.”

Annalisa Tardino (Italy, ID) stressed the need for clear rules for internet giants, whose “policies have an impact on the real world” and who seem to be the ones deciding which messages are acceptable or not. Decisions on what will be published in the digital realm should not be made based on guidelines

created by platforms, but a law that lays down clear procedure and rules, she said. "It's up to lawmakers (...). The EU has to protect the free and democratic debate on the social media."

Alexandra Geese (Greens/EFA, Germany) raised the problems created by large companies dealing with personal data and said that asking them to solve them by arbitrarily censoring harmful content themselves is "not an option for democracy". "But the good news is the remedy is easy: let us ban the surveillance business model starting with a ban on targeted advertising," she said.

European Commission Vice President Věra Jourová said that the proposed Digital Services Act aims to increase the accountability of online platforms and clarify the rules about taking down illegal content, including hate speech and incitement to violence: "We need to bring order to the digital expression of democracy and to end the digital Wild West." She committed to proposing rules for online political advertising.

Magdalena Adamowicz (EPP, Poland) focused on the situation in Poland, where many media outlets are currently protesting against government plans to introduce a tax on advertisements. "I call on the entire European community to act, to show solidarity with Polish free media because if it can happen in Poland, it can happen to you as well."

Dragoș Tudorache (Renew group, Romania) said that there is no online or offline world, "only one world, in which we must protect our citizens' rights and our democracies in equal measure both online and offline". He urged closer cooperation between democratic states and social media companies and highlighted the need to collaborate with other states to define rules based on shared values and fight tactics used by China and Russia: "We need to use our entire diplomatic arsenal to protect our citizens' rights and our way of life online."

Other speakers were more concerned about the danger to freedom of expression. Geert Bourgeois (ECR, Belgium) warned that the notice and action system will lead to censorship. "Platforms will have to run every notification through their algorithm and the consequence will be overly politically correct censorship," he said. "Freedom of expression must be our starting point" and restrictions on freedom of speech an exception. "There are countries where censorship is banned in the constitution – let it also be the case for the EU," he said.

Anne-Sophie Pelletier (The Left, France) stressed the need to protect freedom of expression and opinion. "On the internet, the freedom of one group of people shouldn't stop where the big platform bosses decide," she said. "We can't have content being censored without a decision from a judge...censorship is never the answer."

Speaking on behalf of the Portuguese Council Presidency, Ana Paula Zacarias said: "We expect online platforms to play their parts in this common fight, but it is up to the democratic institutions, our laws, our courts to set the rules of the game, to define what is illegal and what is not, what must be

removed and what should not be.”

Media advisory – EU-Ukraine Association Council, 11 February 2021



Indicative programme

Thursday 11 February 2021

14.30 – beginning of the EU-Ukraine Association Council, chaired by Josep Borrell, the High Representative for Foreign Affairs and Security Policy.

At the end (+/- 17.15) of the meeting – press conference in [live streaming](#)

Arrangements for the press conference

Please note that there will be no physical press conference. EU accredited journalists will be able to ask questions remotely using [this link](#).

Journalists who already registered for previous Foreign Affairs Council press conferences do not need to register again.

- **Deadline: Thursday, 11 February 2021, 16.00**

Further instructions will be sent to all registered participants approximately half an hour after the deadline.

[Videos and photos from the event](#)

[Visit the meeting page](#)

Confidentiality of electronic communications: Council agrees its position on ePrivacy rules



Today, member states agreed on a negotiating mandate for revised rules on the protection of privacy and confidentiality in the use of electronic

communications services. These updated '**ePrivacy**' rules will define cases in which service providers are allowed to process electronic communications data or have access to data stored on end-users' devices. Today's agreement allows the **Portuguese presidency to start talks with the European Parliament** on the final text.

Robust privacy rules are vital for creating and maintaining trust in a digital world. The path to the Council position has not been easy, but we now have a mandate that strikes a good balance between solid protection of the private life of individuals and fostering the development of new technologies and innovation. The Portuguese presidency is very pleased to launch talks now with the European Parliament on this key proposal.

Pedro Nuno Santos, Portuguese Minister for Infrastructure and Housing, President of the Council

An update to the existing ePrivacy directive of 2002 is needed to cater for new technological and market developments, such as the current widespread use of Voice over IP, web-based email and messaging services, and the emergence of new techniques for tracking users' online behaviour.

The draft ePrivacy regulation will repeal the existing ePrivacy directive. As *lex specialis* to the general data protection regulation (GDPR), it will particularise and complement the GDPR. For example, in contrast to the GDPR, many ePrivacy provisions will apply to both natural and legal persons.

Council mandate

Under the Council mandate, the regulation will cover electronic communications **content** transmitted using publicly available services and networks, and **metadata** related to the communication. Metadata includes, for example, information on location and the time and recipient of communication. It is considered potentially as sensitive as the content.

To ensure full protection of privacy rights and to promote a trusted and secure **Internet of Things**, the rules will also cover machine-to-machine data transmitted via a public network.

The rules will apply when **end-users** are **in the EU**. This also covers cases where the processing takes place outside the EU or the service provider is established or located outside the EU.

As a main rule, **electronic communications data** will be **confidential**. Any interference, including listening to, monitoring and processing of data by anyone other than the end-user will be prohibited, except when permitted by the ePrivacy regulation.

Permitted processing of electronic communications data without the consent of the user includes, for example, ensuring the integrity of communications

services, checking for the presence of malware or viruses, or cases where the service provider is bound by EU or member states' law for the prosecution of criminal offences or prevention of threats to public security.

Metadata may be processed for instance for billing, or for detecting or stopping fraudulent use. With the user's consent, service providers could, for example, use metadata to display traffic movements to help public authorities and transport operators to develop new infrastructure where it is most needed. Metadata may also be processed to protect users' vital interests, including for monitoring epidemics and their spread or in humanitarian emergencies, in particular natural and man-made disasters.

In certain cases, providers of electronic communications networks and services may process metadata for a purpose other than that for which it was collected, even when this is not based on the user's consent or certain provisions on legislative measures under EU or member state law. This processing for another purpose must be **compatible** with the initial purpose, and strong specific safeguards apply to it.

As the user's **terminal equipment**, including both hardware and software, may store highly personal information, such as photos and contact lists, the use of processing and storage capabilities and the collection of information from the device will only be allowed with the user's consent or for other specific transparent purposes laid down in the regulation.

The end-user should have a **genuine choice** on whether to accept **cookies** or similar identifiers. Making access to a website dependent on consent to the use of cookies for additional purposes as an alternative to a paywall will be allowed if the user is able to choose between that offer and an equivalent offer by the same provider that does not involve consenting to cookies.

To avoid **cookie consent fatigue**, an end-user will be able to give consent to the use of certain types of cookies by whitelisting one or several providers in their browser settings. Software providers will be encouraged to make it easy for users to set up and amend whitelists on their browsers and withdraw consent at any moment.

The text also includes rules on line identification, public directories, and unsolicited and direct marketing.

The regulation would enter into force 20 days after its publication in the EU Official Journal, and would start to apply two years later.

Procedure

Today's mandate was approved by ambassadors meeting in the Council's Permanent Representatives Committee (Coreper).

The Commission presented its proposal in January 2017.

The Council and the European Parliament will negotiate the terms of the final text.