

## NetzDG - KEY PRINCIPLES

The *Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken* (Act to improve law enforcement in social networks - NetzDG) was adopted in 2017.

The Act requires social network providers to appoint an authorised agent in Germany and to draw attention to this fact on their platform in an easily recognisable and directly accessible manner (Article 5 NetzDG).

Providers of social networks that receive more than 100 complaints about illegal content in the calendar year are obliged to prepare a half-yearly report on the handling of complaints about illegal content on their platforms and to publish it in the Federal Gazette and on their own homepage at the latest one month after the end of a six-month period. The report published on one's own homepage must be easily recognisable, immediately accessible and permanently available (Article 2 NetzDG).

The NetzDG applies to telemedia<sup>1</sup> service providers who operate for-profit Internet platforms which are intended for users to share content with other users or to make it accessible to the public (social networks).

Platforms with journalistically and editorially designed offers that are the responsibility of the service provider itself are not regarded as social networks within the meaning of this act. The same applies to platforms intended for individual communication or the dissemination of specific content. The obligations included therein only apply to providers whose

social networks have more than 2 million registered users in Germany (Article 1(2) NetzDG).



Service providers must ensure, through an effective and transparent procedure that complaints about unlawful content are immediately noted and checked. Content that is manifestly unlawful must be removed within 24 hours of the complaint being received; all unlawful content must be removed within seven days of the complaint being received; and any decision taken by the provider must be notified to the complainant (Article 3 NetzDG). Unlawful content is defined as content that breaches specific provisions of the *Strafgesetzbuch* (Criminal Code - StGB)117, such as the rules on slander in Article 185 StGB and certain criminal law provisions on protection from threats to the democratic rule of law (Article 1(3) NetzDG).

Compiled by SCM (2019) from

IRIS *Plus* 2018-1 The legal framework for video-sharing platforms  
European Audiovisual Observatory, Strasbourg, 2018

