

## RECOMMENDATION CM/REC(2018)2 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE ROLES AND RESPONSIBILITIES OF INTERNET INTERMEDIARIES

(Adopted by the Committee of Ministers on 7 March 2018)

The Council of Europe recommends that member States together with Internet intermediaries take all necessary measures to protect and promote human rights and fundamental freedoms in the digital environment. To implement effectively the relevant legislative frameworks, the Committee of Ministers sets out guidelines, where the following mutual principles emerge for both sides involved in this recommendation:

- Acknowledgment of existent legislation
- Transparency: Transparent and inclusive procedures, prohibiting pressure or undue restrictions from member States when applying legislation, regulation and policies to internet intermediaries. All information, especially terms and conditions of services needs to be available to the public in easily accessible and understandable format. Public transparency reports should be published providing information on all restrictions taken by the intermediaries. Regular due diligence assessments need to be carried out, acknowledging the public service value of the services.
- Privacy: Surveillance in general, and in particular access to personal data has to be legally justified and be used only when it is necessary and proportionate in a democratic society. Private communication needs to be treated with confidentiality.
- Content monitoring: Justified content restriction, for instance by obtaining an order from a judicial authority (not for all cases). General content monitoring should be avoided. Sanctions need to be proportionate. Any content restriction needs to be implemented using the least restrictive means. Intermediaries' staff dealing with content removal

needs to receive initial and ongoing training on all relevant international legislation.

- Access to effective online and offline remedies and dispute resolutions
- Encouragement of self and co-regulation
- Promotion of media literacy
- National and international cooperation with all stakeholders

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