[DE] Federal Government tables another NetzDG draft amendment

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On 1 April 2020, the German Federal Gover

nment adopted a bill to amend the *Netzwerkdurchsetzungsgesetz* (Network Enforcement Act – NetzDG). The proposed reforms are designed, on the basis of lessons learned from the application of the Act, to improve users' rights in relation to unauthorised deletions and account blocking, and to simplify the process for asserting information rights. They therefore supplement the changes proposed in February under the *Gesetzentwurf zur Bekämpfung des Rechtsextremismus und der Hasskriminalität* (Draft Act to combat right-wing extremism and hate crime).

The Network Enforcement Act entered into force in 2017 with the objective of making social network providers more accountable for illegal content. In particular, they are subject to transparency obligations and must provide a simple procedure for submitting complaints about and analysing illegal content.

In practical terms, the latest bill proposes that social networks should, in future, introduce a procedure through which users can request a review of a decision concerning illegal content. The reasons for the review decision must then be given to the user concerned. The bill also explains that documents connected with restitution claims, in which a user asks for a deletion to be reversed, can also be forwarded to the authorised person appointed in accordance with the Network Enforcement Act. The process for reporting illegal content must also be made more user-friendly and accessible. The existing obligation to submit half-yearly transparency reports has also been extended, with an explanation of changes compared with previous reports and information about automatic deletions. The amendment is also designed to broaden the scope of application of the Network Enforcement Act, which will also cover smaller and theme-specific providers of video-sharing platform services. This is in line with the provisions of the amended Audiovisual Media Services Directive (AVMSD), which must be implemented in the member states' domestic law by September 2020.

The government's decision also makes provision for an amendment of the German *Telemediengesetz* (Telemedia Act – TMG). When the conditions are met for user data to be disclosed in order to enforce civil law claims, courts will therefore be able to directly order social networks to provide this information. The

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bill will now be debated further in the German Bundestag and Bundesrat (lower and upper houses of parliament).

Pressemitteilung des Bundesministeriums der Justiz und für Verbraucherschutz vom 1. April 2020

https://www.bmjv.de/SharedDocs/Pressemitteilungen/DE/2020/040120_NetzDG.html

Press release of the Federal Ministry of Justice and Consumer Protection, 1 April 2020

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