

IT-Forum

Introduction

This is not the first initiative of this kind. From time to time, the European Commission launches talks with the Internet industry to encourage companies to take “voluntary” action to fight against allegedly illegal or unwanted online activity:

- The [“Clean IT” project](#) – which had broadly identical goals to the “Internet Forum” was generously funded by the European Commission, after the project proposal being initially rejected for being of sub-standard quality, and failed to produce meaningful outcomes. The project's former website now contains a link to a pornography website.
- The [“Stakeholder Dialogue on Illegal Uploading and Downloading”](#), which aimed to work on copyright enforcement failed to produce any meaningful results.
- The European Commission run a [project on “public-private cooperation to counter the dissemination of illegal content within the European Union”](#). We are not aware of any final recommendations being published.

The Commission announced the launch of the IT Forum in its Communication of 15 January 2014. From that moment, the IT-Forum was announced again several times and several preparatory meetings took place. It was officially launched on 3 December 2015.

Participants

- Internet industry (mainly from the US), Commission officials and Member state representatives.
- Exclusion of civil society from these discussions. The European Commission has not invited civil society at its launch, despite what the Commission had stated in:
 - in the Commission's Communication COM (2013) 941 final “Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's response”¹, but also in
 - its statement of October 2014: http://europa.eu/rapid/press-release_STATEMENT-14-304_en.htm; or
 - in the European Agenda on Security;²

1 The IT-Forum is an action under the Commission's strategy to “Cooperate more closely with civil society and the private sector to address challenges faced online” (section 2.6 of the PREVENTION Communication, cf. http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/crisis-and-terrorism/radicalisation/docs/communication_on_preventing_radicalisation_and_violence_promoting_extremism_201301_en.pdf).

2 “The Commission will launch in 2015 an EU-level Forum with IT companies to bring them together with law enforcement authorities and civil society” cf. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0185&from=en>.

What we found out

Virtually no information has been made public about the IT-Forum, so we made several freedom of information requests. We found out that its purpose is to "help counter terrorist propaganda and addressing concerns about new encryption technologies". It is important to note that, in such initiatives, the Commission Directorate General responsible traditionally sees itself as a catalyst – the Commission is in the process, it causes the process to happen, but it is not actually part of the process, thereby avoiding any legal obligations or accountability. This also permits it to avoid internal Commission review of the processes and outcomes.

What we want

- Participate in the IT-Forum. EDRi has participated in several previous initiatives. A civil rights perspective is crucial for the credibility and balance of any outcomes.
- Access to information:
 - all relevant documents in relation to the launch of the EU Internet Forum
 - list of participants (on what basis are companies invited?)
 - Minutes of the meeting
 - Costs involved
 - Dates of upcoming meetings
 - Next steps
- Formal Commission participation in the discussions, including legal responsibility for any outcomes.
- Rigorous insistence on a strong evidence base for any proposals and outputs.
- A credible, independent ongoing review process on the implementation of any measures put in place as a result of the initiative.
- Detailed statistics, both with regard to the actions themselves (content removal, for example) *and* associated measures (reporting, investigation and prosecution, etc.)
- A clear right of any participating organisation, institution or company to revoke its participation in the process at any moment.
- In terms of policy:
 - Avoid any arbitrary and generalised monitoring and censorship of EU citizens;
 - Understanding of the implications of security measures, for example with regard to weakening encryption or the real risk of counter-productive impacts of arbitrary censorship;
 - Respect of the rule of law – in particular respecting the need to ensure the letter *and spirit* of CJEU case law, such as Scarlet/Sabam (C70/10), Netlog/Sabam (C-360/10) and, with regard to the balance of incentives and rights for internet intermediaries, Telekabel (C-314/12);
 - No manipulation of the public discourse by private companies or the government (initiatives similar to the so-called Russian troll army);