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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning the EU Global Online Freedom Act

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EXPLANATORY MEMORANDUM

More and more authoritarian states as Belarus, Burma, the People's Republic of China, Cuba, Egypt, Ethiopia, Iran, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan and Vietnam censor the internet by blocking websites and filtering search results and intimidate internet users through 'cyber police' and obliged registration. As this constitutes a clear violation of human rights under article 19 of the Universal Declaration of Human Rights, EU action needs to be undertaken, especially since European companies are cooperating with authoritarian governments to restrict the access of citizens to the provision of Internet and information society services.

Technology companies from the US even have succumbed to pressure by authoritarian governments to provide such governments with information about Internet users that has led to the arrest and imprisonment of cyber dissidents, in violation of the corporate responsibility of such companies to protect and uphold human rights. Due to the current lack of self-regulation in the European internet industry the possibility exists that European technology companies will also succumb to such pressures.

The European Union therefore needs a directive on global online freedom and follow the American example where legislators are working on a Global Online Freedom Act (GOFA). This European counterpart of the American GOFA, the EU Global Online Freedom Act (EU - GOFA) must make sure that Europe stays in the fore front of the global promotion of human rights and democratization and the protection of dissidents.

The EU GOFA is a directive which contains provisions on the promotion of global internet freedom, minimum corporate standards for European companies who provide Internet and Information society services and export controls and trade sanctions for internet-restricting countries. The first 8 articles are on the promotion of global internet freedom. Amongst others they state that it is EU policy to promote global free speech on the internet and global free flow of information and provide for the annual designation of Internet restricting countries commissioned by the European Commission. They also provide for the establishment of the Office of Global Internet Freedom (OGIF) as part of the European External Action Service and designate 20 million euros for the development and distribution of anti-censorship tools and services.

Articles 9 until 15 of this directive are on minimum corporate standards for European Internet companies. They contain provisions on the protection of EU and Member State -supported online content, regarding Internet censorship and search engine filtering and rules for European business with content-hosting services in order to create more transparency. The articles also contain provisions on the integrity of user identifying information through the prohibition for European businesses with internet content hosting services to provide personally identifying user information to officials in internet-restricting countries except for legitimate foreign law enforcement purposes. Search engines should also not be located in "internet restricting" countries. The last article of this section contains penalties for failure to uphold the above stated minimum standards for corporate behavior.

The last four articles of this directive (article 16, 17, 18 and 19) are on export controls, regulating the export of products and services which could facilitate internet censorship and on the policy of treating internet censorship as an international barrier to trade.

The European Union needs legislation which will guarantee and promote the global freedom of the internet. Human rights need also to be protected online.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
concerning the EU Global Online Freedom Act

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ¹,

Having regard to the opinion of the European Economic and Social Committee ²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ³,

Whereas:

- (1) Freedom of speech and freedom of the press are fundamental human rights, and free use of the Internet is protected in Article 19 of the Universal Declaration of Human Rights, which guarantees freedom to 'receive and impart information and ideas through any media regardless of frontiers'.
- (2) The Internet has been a success because it quickly provides information to approximately 1320 million users globally.
- (3) The growth of the Internet and other information technologies can be a force for democratic change if the information is not subject to political censorship.
- (4) The fight for freedom of expression has today largely shifted online as the Internet has become a mean of expression of choice for political dissidents, democracy activists, human rights defenders and independent journalists worldwide.
- (5) Access to the Internet can strengthen democracy and contribute to a country's economic and social development and restricting such access is incompatible with the right to freedom of expression.

(6) All actors in the Information Society should take appropriate actions and preventive measures, as determined by law, against abusive uses of ICTs, such as illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings.

(7) The annual Freedom House survey on 'Freedom in the World & Freedom of the Press', findings from the Berkman Center for Internet and Society and the Open Net Initiative's findings brought together in the book 'Access Denied' provide a detailed assessment of the extent of limitations to online freedom in the world.

(8) According to Reporters Without Borders, authoritarian regimes and governments have been working on ever more far-reaching methods of controlling the Internet, chiefly using more and more sophisticated filtering technology and surveillance of electronic communications and setting-up cyber-police.

(9) According to human rights organisations, a large number of cyber-dissidents are detained in prison - most of them in China - including Hao Wu, Chinese blogger and documentary filmmaker, Yang Zili, Chinese cyber-dissident, Shi Tao, Chinese journalist at the daily Dangdai Shangbao, Motjaba Saminejad, Iranian blogger, Mohammed Abbou, Tunisian lawyer, Pham Hong Son, Vietnamese doctor and Habib Saleh, Syrian online journalist; whereas the most recent cases concern the Egyptian bloggers Mohamed Sharkawy and Karim Lel-shaer.

(10) The rapid provision of full and uncensored information through the Internet has become a major industry of the European Union, and an important part of its exports.

(11) Political censorship of the Internet degrades the quality of that service and ultimately threatens the integrity and viability of the industry itself, both in the European Union and abroad.

(12) Authoritarian foreign governments such as the Governments of Belarus, Burma, the People's Republic of China, Cuba, Egypt, Ethiopia, Iran, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan, Vietnam unnecessarily block the free access to online information.

(13) Web sites that provide uncensored news and information, such as the Web sites of the BBC, Radio Free Europe, Radio Liberty or Global Voices, are routinely blocked in such countries.

(14) In June 2003, the Government of the Socialist Republic of Vietnam arrested, convicted of 'spying', and sentenced to 13 years' imprisonment and 3 years' house arrest (later reduced on appeal to 5

years' imprisonment and 6 years' house arrest) Dr. Pham Hong Son after he translated an Internet article titled 'What is Democracy' from the Web site of the United States Embassy in Vietnam.

(15) According to the US Department of State's Country Reports on Human Rights Practices, the Government of Vietnam in 2004 tightened control of the Internet, requiring Internet agents, such as cyber cafes, to register the personal information of their customers and store records of Internet sites visited by customers. The Vietnamese Government also monitored electronic mail, searched for sensitive key words, and regulated Internet content.

(16) Technology companies from Member States that operate in countries controlled by authoritarian foreign governments have a responsibility to uphold the principles of the Universal Declaration of Human Rights.

(17) Technology companies from the US have succumbed to pressure by authoritarian foreign governments to provide such governments with information about Internet users that has led to the arrest and imprisonment of cyber dissidents, in violation of the corporate responsibility of such companies to protect and uphold human rights.

(18) Due to the current lack of self-regulation in the European internet industry the possibility exists that European technology companies will also succumb to the pressure by authoritarian foreign governments to provide such governments with information about Internet users.

(19) Technology companies from Member States have provided the technology and training to authoritarian foreign governments to assist such governments in filtering and blocking information that promotes democracy and freedom.

(20) Technology companies from Member States have failed to develop standards by which they can conduct business with authoritarian foreign governments while protecting human rights to freedom of speech and freedom of expression.

(21) The European Union supports the universal right to freedom of speech and freedom of the press.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Definitions

In this Directive:

(1) APPROPRIATE COMMITTEES OF THE COUNCIL AND THE EUROPEAN PARLIAMENT- Except as otherwise provided in this Directive, the term 'appropriate committees of the Council and the European Parliament' means--

(A) the General Affairs and External Relations Council (GAERC) of the Council; and

(B) the Committees on Foreign Affairs (AFET) and the sub-Committee on Human Rights (DROI) of the European Parliament.

(2) FOREIGN OFFICIAL-

(A) IN GENERAL- The term 'foreign official' means--

(i) any officer or employee of a foreign government or any department, agency, state-owned enterprise, or instrumentality thereof; or

(ii) any person acting in an official capacity for or on behalf of any such government or department, agency, state-owned enterprise, or instrumentality.

(B) STATE-OWNED ENTERPRISE- For purposes of subparagraph (A), the term 'state-owned enterprise' means a commercial entity in which a foreign government owns, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such commercial entity.

(3) INTERNET- The term 'Internet' means the combination of computer facilities, telecommunications facilities, electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(4) INTERNET CONTENT HOSTING SERVICE- The terms 'Internet content hosting service' and 'content hosting service' means a service that--

(A) stores, through electromagnetic or other means, electronic data, including the content of web pages, electronic mail,

documents, images, audio and video files, online discussion boards, and weblogs; and

(B) makes such data available via the Internet.

(5) INTERNET JAMMING- The term 'Internet jamming' means jamming, censoring, blocking, monitoring, or restricting access to the Internet, or to content made available via the Internet, by using technologies such as firewalls, filters, and 'black boxes'.

(6) INTERNET-RESTRICTING COUNTRY- The term 'Internet-restricting country' means a country designated by the Council and the European Parliament pursuant to article 7 of this Directive.

(7) INTERNET SEARCH ENGINE- The term 'Internet search engine' or 'search engine' means a service made available via the Internet that, on the basis of query consisting of terms, concepts, questions, or other data input by a user, searches information available on the Internet and returns to the user a means, such as a hyperlinked list of Uniform Resource Identifiers, of locating, viewing, or downloading information or data available on the Internet relating to that query.

(8) LEGITIMATE FOREIGN LAW ENFORCEMENT PURPOSES-

(A) IN GENERAL- The term 'legitimate foreign law enforcement purposes' means for purposes of enforcement, investigation, or prosecution by a foreign official based on a publicly promulgated law of reasonable specificity that proximately relates to the protection or promotion of the health, safety, or morals of the citizens of that jurisdiction.

(B) RULE OF CONSTRUCTION- For purposes of this Directive, the control, suppression, or punishment of peaceful expression of political or religious opinion, which is protected by Article 19 of the International Covenant on Civil and Political Rights, does not constitute a legitimate foreign law enforcement purpose.

(9) PROTECTED FILTER TERMS- The term 'protected filter terms' means the words, terms, and phrases identified by the Office of Global Internet Freedom pursuant to article 6 of this Directive.

(10) SUBSTANTIAL RESTRICTIONS ON INTERNET FREEDOM- The term 'substantial restrictions on Internet freedom' means actions that restrict or punish the free availability of information via the Internet for reasons other than legitimate foreign law enforcement purposes, including--

(A) deliberately blocking, filtering, or censoring information available via the Internet based on its peaceful political or religious content; or

(B) persecuting, prosecuting, or otherwise punishing an individual or group for posting or transmitting peaceful political or religious opinions via the Internet, including by electronic mail.

(11) EUROPEAN BUSINESS- The term 'European business' means--

(A) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship that--

(i) has its principal place of business in a Member State; or

(ii) is organized under the laws of a Member State or a territory, possession, or commonwealth of a Member State;

(B) any foreign subsidiary of an entity described in subparagraph (A) to the extent such entity--

(i) controls the voting shares or other equities of the foreign subsidiary; or

(ii) authorizes, directs, controls, or participates in acts carried out by the foreign subsidiary that are prohibited by this Directive.

(12) MEMBER STATE-SUPPORTED CONTENT- The term 'Member State-supported content' means content that is created or developed, in whole or in part, by a Member State-supported information entity.

(13) MEMBER STATE-SUPPORTED INFORMATION ENTITY- The term 'Member States-supported information entity' means--

(A) any authority of the Government of a Member State; and

(B) any entity that--

(i) receives grants from the EU or Member States to carry out international broadcasting activities;

(ii) receives grants or other similar funding from the EU or governments from Member States to carry out any information dissemination activities.

(14) MEMBER STATE-SUPPORTED WEBSITE- The term 'Member State-supported website' means a location on the World Wide Web that is owned or managed by, or is registered to, any Member State - supported information entity.

Article 2

Severability

If any provision of this Directive, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Directive, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

Article 3

Statement of policy

It shall be the policy of the European Union--

- (1) to promote the ability of all to access and contribute information, ideas, and knowledge via the Internet and to advance the right to receive and impart information and ideas through any media and regardless of frontiers as a fundamental component of EU foreign policy;
- (2) to use all instruments of EU influence, including diplomacy, trade policy, and export controls, to support, promote, and strengthen principles, practices, and values that promote the free flow of information; and
- (3) to prohibit any European businesses from cooperating with officials of Internet-restricting countries in effecting the political censorship of online content.

Article 4

Sense of the Council and the European Parliament

It is the sense of the Council and the European Parliament that--

- (1) the European Commission should commence negotiations in appropriate international fora, including the Organization of Economic Cooperation and Development (OECD), the Council of Europe, the World Trade Organization (WTO), the United Nations World Summit on the Information Society (WSIS), and the Internet Governance

Forum (IGF), to obtain the agreement of other countries to enact legislation similar to this Directive and to pursue the development of international agreements protecting Internet freedom; and

(2) to the extent that a European business empowers or assists an authoritarian foreign government in its efforts to restrict online access to the Web sites of Radio Free Europe or Radio Liberty, or other Member State-supported Web sites and online access to Member State and EU Governmental reports such as the EU Annual Report on Human Rights, that business is working contrary to the foreign policy interests of the Member States and the European Union, and is undercutting Member States and the European Union taxpayer-funded efforts to promote freedom of information for all people, including those in undemocratic and repressive societies.

Article 5

Annual country reports on human rights practices

(a) EU Annual Report on Human Rights shall contain the following new subsection:

(1) The report shall include an assessment of the freedom of electronic information in each foreign country. Such assessment shall include the following:

(A) An assessment of the general extent to which Internet access is available to and used by citizens in that country.

(B) An assessment of the extent to which government authorities in that country attempt to filter, censor, or otherwise block Internet content, as well as a description of the means by which they attempt to block such content.

(C) A description of known instances in which government authorities in that country have persecuted, prosecuted, or otherwise punished a person or group for the peaceful expression of political, religious, or dissenting views via the Internet, including electronic mail.

(2) In compiling data and making assessments for the purposes of paragraph (1), European diplomatic mission personnel shall consult with human rights organizations as Freedom House and the Open Net Initiative and other appropriate nongovernmental organizations and provide them with necessary EU funding to research limitations to online freedom in the world.

(3) The report shall include an assessment of the freedom of electronic information in each foreign country. Such assessment shall include the following:

(A) An assessment of the general extent to which Internet access is available to and used by citizens in that country.

(B) An assessment of the extent to which government authorities in that country attempt to filter, censor, or otherwise block Internet content, as well as a description of the means by which they attempt to block such content.

(C) A description of known instances in which government authorities in that country have persecuted, prosecuted, or otherwise punished a person or group for the peaceful expression of political, religious, or dissenting views via the Internet, including electronic mail.

(4) In compiling data and making assessments for the purposes of paragraph (1), EU diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.'

Article 6

Office of global internet freedom

(a) Establishment- There is established as part of the European External Action Service the Office of Global Internet Freedom (in this section referred to as the 'Office').

(b) Duties- In addition to such other responsibilities as the Council and the European Parliament may assign, the Office shall--

(1) serve as the focal point for interagency efforts to protect and promote freedom of electronic information abroad;

(2) develop and implement a global strategy to combat state-sponsored and state-directed Internet jamming by authoritarian foreign governments, and the intimidation and persecution by such governments of their citizens who use the Internet;

(3) provide assistance to the Council and the European Parliament in connection with the annual designation of Internet-restricting countries required by article 7 of this Directive;

(4) beginning not later than 180 days after the date of the enactment of this Directive--

(A) identify key words, terms, and phrases relating to human rights, democracy, religious free exercise, and peaceful political dissent, both in general and as specifically related to the particular context and circumstances of each Internet-restricting

country, for purposes of compliance by European businesses with the requirements of article 10 of this Directive; and

(B) maintain, update, and make publicly available on a regular basis the key words, terms, and phrases identified pursuant to subparagraph (A);

(5) establish mechanisms by which European businesses can transmit to the Office the information required to be reported by article 11 and 13 of this Directive;

(6) work with appropriate technology companies involved in providing, maintaining, or servicing the Internet, human rights organizations, academic experts, and others to develop a voluntary code of minimum corporate standards related to Internet freedom; and

(7) advise the appropriate committees of the Council and the European Parliament of legislative action that may be necessary to keep the provisions of this Directive and the amendments made by this Directive relevant to changing technologies.

(c) Cooperation of Other Institutions and Agencies- Each department and agency of the European Union and Member States, including all national Departments of Commerce and Justice in Member States and the Trade Directorate General from the European Commission, shall--

(1) cooperate fully with, and assist in the implementation of, the duties of the Office described in subsection (b), including the strategy developed by the Office pursuant to paragraph (2) of subsection (b); and

(2) make such resources and information available to the Office as is necessary to achieve the purposes of this Directive and the amendments made by this Directive.

(d) Definition- In this section, the term 'appropriate committees of the Council and European Parliament' means--

(1) the General Affairs and External Relations Council (GAERC) and the Economic and Financial Affairs Council (ECOFIN) of the Council; and

(2) the Committees on Foreign Affairs (AFET) and the Committee on International Trade (INTA) of the European Parliament

(e) Authorization of Appropriations- There are authorized to be appropriated to the External Action Service to carry out this section such sums as may be necessary for fiscal year 2009 and each subsequent fiscal year.

Annual designation of internet-restricting countries; report

(a) Designation-

(1) IN GENERAL- Not later than 180 days after the date of the enactment of this Directive, and annually thereafter, the Council and the European Parliament shall through a broad consultative process designate Internet-restricting countries for purposes of this Directive.

(2) STANDARD- A foreign country shall be designated as an Internet-restricting country if the Council and the European Parliament determine that the government of the country is directly or indirectly responsible for a systematic pattern of substantial unnecessary restrictions on Internet freedom during the preceding one-year period.

(3) INITIAL DESIGNEES-

(A) IN GENERAL- Each of the countries specified in subparagraph (B) shall be deemed to be designated as an Internet-restricting country pursuant to paragraph (1) beginning on the date of the enactment of this Directive and ending on the date on which the Office of Global Internet Freedom certifies to the appropriate committees of the Council and the European Parliament that the country involved is no longer directly or indirectly responsible for a systematic pattern of substantial restrictions on Internet freedom.

(B) COUNTRIES- The countries referred to in subparagraph (A) are Belarus, Burma, the People's Republic of China, Cuba, Egypt, Ethiopia, Iran, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan and Vietnam.

(b) Report-

(1) IN GENERAL- Not later than 180 days after the date of the enactment of this Directive, and annually thereafter, the Office of Global Internet Freedom shall transmit to the appropriate Council and Parliamentary committees a report that contains the following:

(A) The name of each foreign country that at the time of the transmission of the report is designated as an Internet-restricting country pursuant to subsection (a).

(B) An identification of each government agency and quasi-government organization responsible for the substantial restrictions on Internet freedom in each foreign country designated as an Internet-restricting country pursuant to subsection (a).

(C) A description of efforts by the EU institutions and Member States to counter the substantial restrictions on Internet freedom referred to in subparagraph (B).

(2) FORM- The information required by paragraph (1)(C) of the report may be provided in a classified form if necessary.

(3) INTERNET AVAILABILITY- All unclassified portions of the report shall be made publicly available on the Internet Web site of the European Commission.

Article 8

Development and distribution of anti-censorship tools and services

The European Commission shall allocate 20 million euros annually for the development and distribution, including the training of users, of anti-censorship tools and services. The funds are to be awarded competitively to software developers to produce user-friendly internet technology programs and protocols that enable widespread and secure internet use and which to an absolute minimum decrease the speed of internet connections from end users in countries where the Internet is now heavily censored, specially focussing on countries which are designated as 'Internet restricting countries' as laid down in article 7 of this directive.

Article 9

Protection of search engines and content services

Any European business that creates, provides, or hosts any Internet search engine or maintains an Internet content hosting service may not locate, within a designated Internet-restricting country, any computer hardware used to house, store, serve, or maintain files or other data involved in providing such search engine or content hosting service.

Article 10

Integrity of search engines

Any European business that creates, provides, or hosts any Internet search engine may not alter the operation of such search engine with respect to protected filter terms either--

- (1) at the request of, or by reason of any other direct or indirect communication by, of a foreign official of an Internet-restricting country; or
- (2) in a manner intended or likely to produce different search engine results for users accessing the search engine from within an Internet-restricting country as compared to users elsewhere.

Article 11

Transparency regarding search engine filtering

Any European business that creates, provides, or hosts an Internet search engine shall provide the Office of Global Internet Freedom, in a format and with a frequency to be specified by the Office, with all terms and parameters submitted, entered, or otherwise provided by any foreign official of an Internet-restricting country, that are used to filter, limit, or otherwise affect the results provided by the search engine when used by other users.

Article 12

Protection of EU or Member States-supported online content

A European business that maintains an Internet content hosting service may not conduct Internet jamming of an EU or Member State -supported website or EU or Member State-supported content in an Internet restricting country.

Article 13

Transparency regarding internet censorship

Any European business that maintains an Internet content hosting service shall provide the Office of Global Internet Freedom, in a format and with a frequency to be specified by the Office, with copies of all data and content that such business has, at the request of, or by reason of any other direct or indirect communication by, any foreign official of an Internet-restricting country--

- (1) removed from the content hosting service of such business;
- (2) blocked from availability on the Internet; or
- (3) blocked from transmission via the Internet into or within an Internet-restricting country.

Article 14

Integrity of user identifying information

(a) User Protection- Any European business that maintains an Internet content hosting service may not provide to any foreign official of an Internet-restricting country information that personally identifies a particular user of such content hosting service, except for legitimate foreign law enforcement purposes.

(b) Private Right of Action- Any person aggrieved by a violation of this section may bring an action for damages, including punitive damages, or other appropriate relief in the appropriate courts of Member States, without regard to the amount in controversy, and without regard to the citizenship of the parties.

Article 15

Penalties

Member States are requested to adopt a penalties scheme for all violations of provisions set by this directive. Penalties should be divided in;

(a) Civil Penalties- (1) Any European business or European person that violates article 14 subsection (a) should be subject to a civil penalty.

(2) Any European business or European person that violates article 9, 10, 11, 12 or 13 should be subject to a civil penalty.

(b) Criminal Penalties-

(1) Any European business that willfully violates, or willfully attempts to violate article 14 subsection (a) should be subject to a penalty., or if a natural person who is an officer, director, employee, or agent of a European business, or stockholder acting on behalf of such European business, should be subject to a penalty.

(2) Any European business that willfully violates, or willfully attempts to violate article 9, 10, 11, 12 or 13 of this Act shall be fined, or if a natural person who is an officer, director, employee, or agent of a European business, or stockholder acting on behalf of such European business, should be subject to a penalty

(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a European business, such fine should not be paid, directly or indirectly, by such European business.

Article 16

Establishment of export controls

Not later than 90 days after the date of the enactment of this Directive, the Commissioner for Justice, Freedom, & Security, in consultation with the Commissioner for External Trade, shall promulgate regulations, including a human rights impact assessment, to ensure the establishment of appropriate foreign policy control and export license requirements before any person subject to the jurisdiction of the EU may knowingly export any item to an end user in an Internet-restricting country for the purpose, in whole or in part, of facilitating Internet censorship.

Article 17

Report

Not later than 120 days after the date of the enactment of this Directive, the Commissioner for Justice, Freedom, & Security, in consultation with the Commissioner for External Trade, shall submit to the appropriate committees of the Council and the European Parliament a report describing the actions taken to implement the requirements of article 16 of this Directive

Article 18

Internet censorship as an international barrier to trade

Not later than 120 days after the date of the enactment of this Directive the European Commission shall specifically deal with all restrictions to the provision of Internet and information society services by European companies in third countries as part of its external trade policy and consider all unnecessary limitations to the provision of those services to be trade barriers;

Article 19

International support

Not later than 120 days after the date of the enactment of this Directive the European Commission shall commence negotiations and gain support for this legislation in appropriate international fora, including all bilateral trade negotiations, the Organization of Economic Cooperation and Development (OECD) and the World Trade Organization (WTO), to obtain the agreement of other countries to enact legislation similar to this Directive and to pursue the development of international agreements on treating all unnecessary limitations to the provision of Internet and information society services in third countries as barriers to trade;