



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **183 - 376**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



**Amendment 183**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) Os serviços da sociedade da informação e, especialmente, os serviços intermediários tornaram-se uma parte importante da economia da União e da vida quotidiana dos seus cidadãos. Vinte anos após a adoção do quadro jurídico existente aplicável a esses serviços, estabelecido na Diretiva 2000/31/CE do Parlamento Europeu e do Conselho<sup>25</sup>, serviços e modelos de negócio novos e inovadores, como as redes sociais e os mercados em linha, permitiram aos utilizadores profissionais e aos consumidores transmitir e aceder a informações e efetuar transações de formas inéditas. Atualmente, a maioria dos cidadãos da União utiliza esses serviços diariamente. No entanto, a transformação digital e a utilização crescente desses serviços resultaram igualmente em novos riscos e desafios, tanto para os utilizadores individuais como para a sociedade no seu conjunto.

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<sup>25</sup> Diretiva 2000/31/CE do Parlamento Europeu e do Conselho, de 8 de junho de 2000, relativa a certos aspetos legais dos serviços da sociedade de informação, em especial do comércio eletrónico, no mercado interno (Diretiva sobre o comércio eletrónico) (JO L 178 de 17.7.2000, p. 1).

*Amendment*

(1) Os serviços da sociedade da informação e, especialmente, os serviços intermediários tornaram-se uma parte importante da economia da União e da vida quotidiana dos seus cidadãos. Vinte anos após a adoção do quadro jurídico existente aplicável a esses serviços, estabelecido na Diretiva 2000/31/CE do Parlamento Europeu e do Conselho<sup>25</sup>, serviços e modelos de negócio novos e inovadores, como as redes sociais e os mercados em linha, permitiram aos utilizadores profissionais e aos consumidores transmitir e aceder a informações e efetuar transações de formas inéditas. Atualmente, a maioria dos cidadãos da União utiliza esses serviços diariamente. No entanto, a transformação digital e a utilização crescente desses serviços resultaram igualmente em novos riscos, desafios e **oportunidades**, tanto para os utilizadores individuais como para **as empresas e para** a sociedade no seu conjunto.

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<sup>25</sup> Diretiva 2000/31/CE do Parlamento Europeu e do Conselho, de 8 de junho de 2000, relativa a certos aspetos legais dos serviços da sociedade de informação, em especial do comércio eletrónico, no mercado interno (Diretiva sobre o comércio eletrónico) (JO L 178 de 17.7.2000, p. 1).

Or. pt

**Amendment 184**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Os Estados-Membros estão, cada vez mais, a introduzir, ou a ponderar introduzir, legislação nacional sobre as matérias abrangidas pelo presente regulamento, impondo, nomeadamente, requisitos de diligência aos prestadores de serviços intermediários. Essas legislações nacionais divergentes afetam negativamente o mercado interno, que, nos termos do artigo 26.º do Tratado, compreende um espaço sem fronteiras internas no qual a livre circulação de mercadorias e serviços e a liberdade de estabelecimento são asseguradas, tendo em conta a natureza intrinsecamente transfronteiras da Internet, que é geralmente utilizada para a prestação desses serviços. As condições para a prestação de serviços intermediários em todo o mercado interno devem ser harmonizadas, de modo a proporcionar às empresas acesso a novos mercados e oportunidades de exploração dos benefícios do mercado interno, permitindo simultaneamente aos consumidores e a outros destinatários dos serviços dispor de uma maior possibilidade de escolha.

*Amendment*

(2) Os Estados-Membros estão, cada vez mais, a introduzir, ou a ponderar introduzir, legislação nacional sobre as matérias abrangidas pelo presente regulamento, impondo, nomeadamente, requisitos de diligência aos prestadores de serviços intermediários. Essas legislações nacionais divergentes afetam negativamente o mercado interno ***colocando em causa a sua integridade***, que, nos termos do artigo 26.º do Tratado, compreende um espaço sem fronteiras internas no qual a livre circulação de mercadorias e serviços e a liberdade de estabelecimento são asseguradas, tendo em conta a natureza intrinsecamente transfronteiras da Internet, que é geralmente utilizada para a prestação desses serviços. As condições para a prestação de serviços intermediários em todo o mercado interno devem ser harmonizadas, de modo a proporcionar às empresas acesso a novos mercados e oportunidades de exploração dos benefícios do mercado interno, permitindo simultaneamente aos consumidores e a outros destinatários dos serviços dispor de uma maior possibilidade de escolha.

Or. pt

**Amendment 185**

**Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Member States also undertake to promote, through multilateral agreements such as the International Partnership for***

*Information and Democracy initiated by Reporters Without Borders and signed by 21 EU Member States, the Regulation of the public information and communication space by establishing democratic guarantees for the digital space, based on the responsibility of platforms and guarantees for the reliability of information. These multilateral commitments offer convergent solutions on matters covered by this Regulation.*

Or. en

**Amendment 186**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Barbara Thaler**

**Proposal for a regulation**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*(2a) Moreover, complex national regulatory requirements, fragmented implementation and insufficient enforcement of legislation such as Directive 2000/31/EC have contributed to high administrative costs and legal uncertainty for intermediary services operating on the internal market, especially micro, small and medium sized companies.*

Or. en

**Amendment 187**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Alex Agius Saliba, Brando Benifei, Eva Kaili, Ioan-Rareş Bogdan, Dragoş Pîslaru, Josianne Cutajar**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

*Amendment*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination. ***Children have specific rights enshrined in Article 24 of the Charter of Fundamental Rights of the European Union and in the United Nations Convention on the Rights of the Child. As such, the best interests of the child should be a primary consideration in all matters affecting them. The UNCRC General comment No. 25 on children's rights in relation to the digital environment formally sets out how these rights apply to the digital world.***

Or. en

**Amendment 188**

**Brando Benifei, Monika Beňová, Christel Schaldemose, Marc Angel, Maria Grapini**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and

*Amendment*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights ***and freedoms*** guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, ***a high level of consumer***

the right to non-discrimination.

*protection* and the right to non-discrimination.

Or. en

#### **Amendment 189**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

###### *Amendment*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, *accessible*, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

Or. en

#### **Amendment 190**

**Maria da Graça Carvalho**

#### **Proposal for a regulation**

##### **Recital 4**

###### *Text proposed by the Commission*

(4) Por conseguinte, a fim de salvaguardar e melhorar o funcionamento do mercado interno, deve ser estabelecido, a nível da União, um conjunto orientado de regras obrigatórias uniformes, eficazes e proporcionadas. O presente regulamento prevê as condições para o aparecimento de

###### *Amendment*

(4) Por conseguinte, a fim de salvaguardar e melhorar o funcionamento do mercado interno, deve ser estabelecido, a nível da União, um conjunto orientado de regras obrigatórias uniformes, eficazes e proporcionadas. O presente regulamento prevê as condições para o aparecimento de

serviços digitais inovadores e para a sua expansão no mercado interno. A aproximação das medidas regulamentares nacionais a nível da União relativamente aos requisitos aplicáveis aos prestadores de serviços intermediários é necessária para evitar e pôr termo à fragmentação do mercado interno e para assegurar segurança jurídica, reduzindo assim a insegurança para os criadores e promovendo a interoperabilidade. Ao utilizar requisitos que são tecnologicamente neutros, a inovação não deverá ser dificultada, mas sim estimulada.

serviços digitais inovadores e para a sua expansão no mercado interno. A aproximação das medidas regulamentares nacionais a nível da União relativamente aos requisitos aplicáveis aos prestadores de serviços intermediários é necessária para evitar e pôr termo à fragmentação do mercado interno e para assegurar segurança jurídica, reduzindo assim a insegurança para os criadores, ***protegendo os consumidores*** e promovendo a interoperabilidade. Ao utilizar requisitos que são tecnologicamente neutros, a inovação não deverá ser dificultada, mas sim estimulada.

Or. pt

#### **Amendment 191**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

#### **Proposal for a regulation Recital 4**

##### *Text proposed by the Commission*

(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid ***and put an end to*** fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but

##### *Amendment*

(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated.



instead be stimulated.

Or. en

## **Amendment 192**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak, Marcel Kolaja, Maria-Manuel Leitão-Marques, Paul Tang, Eva Kaili, Ismail Ertug, Evelyn Regner, Martin Schirdewan, Tiemo Wölken, Cornelia Ernst, Birgit Sippel, Alex Agius Saliba, Clare Daly**

### **Proposal for a regulation Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Online advertisement plays an important role in the online environment, including in relation to the provision of the information society services. However, certain forms of online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to creating financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, to misleading or exploitative marketing or the discriminatory display of advertising with an impact on the equal treatment and the rights of consumers. Consumers are largely unaware of the volume and granularity of the data that is being collected and used to deliver personalised and micro-targeted advertisements, and have little agency and limited ways to stop or control data exploitation. The significant reach of a few online platforms, their access to extensive datasets and participation at multiple levels of the advertising value chain has created challenges for businesses, traditional media services and other market participants seeking to advertise or develop competing advertising services. In addition to the information requirements resulting from Article 6 of Directive 2000/31/EC, stricter rules on targeted***

*advertising and micro-targeting are needed, in favour of less intrusive forms of advertising that do not require extensive tracking of the interaction and behaviour of recipients of the service. Therefore, providers of information society services may only deliver and display online advertising to a recipient or a group of recipients of the service when this is done based on contextual information, such as keywords or metadata. Providers should not deliver and display online advertising to a recipient or a clearly identifiable group of recipients of the service that is based on personal or inferred data relating to the recipients or groups of recipients. Where providers deliver and display advertisement, they should be required to ensure that the recipients of the service have certain individualised information necessary for them to understand why and on whose behalf the advertisement is displayed, including sponsored content and paid promotion.*

Or. en

#### *Justification*

*In line with the IMCO INL (P9\_TA(2020)0272), paragraph 33. The IMCO study published in June 2021 on online advertising has found that current targeted advertising practices are highly problematic from the perspective that they contribute to undermining consumer trust in digital markets. In addition, it found that “as harmful practices continue to evolve, they may work to impede some of the growth potential of the digital economy”. Small companies, traditional media services and other market participants increasingly report shrinking advertising revenue and are facing challenges as they are kept in the dark when it comes to the calculation of fees charged by various intermediaries along the advertising value chain. What is more, according to recent reports from the advertising industry, small businesses and large European companies alike are struggling with fraud in the online advertising market. Such fraudulent advertising practices are increasingly used in an anti-competitive way, such as fake clicks on competitors’ ads, impacting daily ad auction budgets, thereby capping the competitor’s potential market reach and brand awareness.*

#### **Amendment 193**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) As Party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), provisions of the Convention are integral part of the Union legal order and binding upon the Union and its Member States. The UN CRPD requires its Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. General Comment No 2 to the UNCRPD further states that “The strict application of universal design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity<sup>1a</sup>”. Given the ever-growing importance of digital services and platforms in private and public life, in line with the obligations enshrined in the UN CRPD, the EU must ensure a regulatory framework for digital services which protects rights of all recipients of services, including persons with disabilities. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union are to take account of the needs of persons with disabilities in drawing up measures under Article 114 TFEU.***

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***<sup>1a</sup> General comment No. 2 (2014) on Article 9: Accessibility of the UN Convention on the Rights of Persons with Disabilities.***

**Amendment 194**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) As Party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), provisions of the Convention are integral part of the Union legal order and binding upon the Union and its Member States. The UN CRPD requires its Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. General Comment No2 to the UN CRPD further states that “The strict application of universal design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity.” Given the ever-growing importance of digital services and platforms in private and public life, in line with the obligations enshrined in the UN CRPD, the EU must ensure a regulatory framework for digital services which protects rights of all recipients of services, including persons with disabilities.***

**Amendment 195**  
**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) The United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) requires its Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. The UNCRPD further states that the strict application of universal design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity. Given the ever-growing importance of digital services in private and public life, in line with the obligations enshrined in the UN CRPD, the Union must ensure a regulatory framework for digital services which protects rights of all recipients of services, including persons with disabilities.***

Or. en

*Justification*

*The EU and all Member States are Party to the UN CRPD. As is the case in other EU mainstream law (passengers' rights regulations; European Audiovisual Media Services Directive, European Electronic Communications Code) and specific legislation on accessibility (e.g. European Accessibility Act; Web Accessibility Directive), it is important that legislative framework for digital services and platforms acknowledges rights of persons with disabilities for equal access to digital services and platforms, as enshrined in article 9 of the UN CRPD and is coherent with EU treaties.*

## Amendment 196

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>26</sup>, that is, any service **normally** provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of **unlawful or otherwise harmful information and activities**.

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<sup>26</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

##### *Amendment*

(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>26</sup>, that is, any service **frequently** provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of **illegal content**.

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<sup>26</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Or. en

## Amendment 197

Jordi Cañas, Maite Pagazaurtundúa

### Proposal for a regulation

#### Recital 5 a (new)

***(5a) Given the cross-border nature of the services at stake, Union action to harmonise accessibility requirements for intermediary services across the internal market is vital to avoid market fragmentation and ensure that equal right to access and choice of those services by all consumers and other recipients of services, including by persons with disabilities, is protected throughout the Union. Lack of harmonised accessibility requirements for digital services and platforms will also create barriers for the implementation of existing Union legislation on accessibility, as many of the services falling under those laws will rely on intermediary services to reach end-users. Therefore, accessibility requirements for intermediary services, including their user interfaces, must be consistent with existing Union accessibility legislation, such as the European Accessibility Act<sup>1a</sup> and the Web Accessibility Directive<sup>1b</sup>, so that no one is left behind as result of digital innovation. This aim is in line with the Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 and the Union's commitment to the United Nations' Sustainable Development Goals.***

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<sup>1a</sup> ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services***

<sup>1b</sup> ***Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies***

Or. en



**Amendment 198**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Given the cross-border nature of the services concerned, Union action to harmonise accessibility requirements for intermediary services across the internal market is vital to avoid market fragmentation and ensure that equal right to access and choice of those services by all consumers and other recipients of services, including by persons with disabilities, is protected throughout the Union. Lack of harmonised accessibility requirements for digital services and platforms will also create barriers for the implementation of existing Union legislation on accessibility, as many of the services falling under those laws will rely on intermediary services to reach end-users. Therefore, accessibility requirements for intermediary services, including their online interfaces, must be consistent with existing Union accessibility legislation, such as the European Accessibility Act and the Web Accessibility Directive, so that no one is left behind as result of digital innovation. This aim is in line with the Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 and the Union's commitment to the United Nations' Sustainable Development Goals.***

Or. en

**Amendment 199**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**



**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Given the cross-border nature of the services at stake, Union action to harmonise accessibility requirements for intermediary services across the internal market is vital to avoid market fragmentation and ensure that equal right to access and choice of those services by all consumers and other recipients of services, including by persons with disabilities, is protected throughout the Union. Lack of harmonised accessibility requirements for digital services and platforms will also create barriers for the implementation of existing Union legislation on accessibility, as many of the services falling under those laws will rely on intermediary services to reach end-users. Therefore, accessibility requirements for intermediary services, including their user interfaces, must be consistent with existing Union accessibility legislation, such as the European Accessibility Act and the Web Accessibility Directive, so that no one is left behind as result of digital innovation. This aim is in line with the Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 and the Union's commitment to the United Nations' Sustainable Development Goals.***

Or. en

**Amendment 200**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Recital 5 a (new)**

**(5a) Given the cross-border nature of digital services, any action at Union level to harmonise accessibility requirements for gatekeepers across the internal market should avoid market fragmentation and ensure equal rights to access and choice to all end-users, including by persons with disabilities. To this end the provision of this regulation should address the lack of harmonised accessibility requirements for gatekeepers in line with the existing Union accessibility legislation, such as the European Accessibility Act (Directive(EU) 2019/882 of the European Parliament and of the Council of 17 April 2019) and the Web Accessibility Directive (Directive(EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies) and in line with the Union Strategy for the Rights of Persons with Disabilities 2021-2030 and the Union's commitment to the United Nations' Sustainable Development Goals.**

Or. en

*Justification*

*It is important that the legislative framework for digital services and platforms is consistent with Union legislation on accessibility, otherwise it will create barriers for implementation of EU law. For example, if an e-commerce service, which must be accessible according to the Accessibility Act, relies on an intermediary service covered by the Digital Services Act, it might end up not being accessible to consumers with disabilities if the user interface of the intermediary service is inaccessible. Or if a mobile application of a public sector body, which must be accessible according to the Web Accessibility Directive, is placed in an app store which is not accessible, citizens will not be able to access the public sector body mobile application. So, the DSA and DMA should reinforce existing Union law through consistency with them, rather than create barriers to their implementation.*

**Amendment 201**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-**

**Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**(5b) The notions of ‘access’ or ‘accessibility’ are often referred to with the meaning of affordability (financial access), availability, or in relation to access to data, use of network, etc. It is important to distinguish these from ‘accessibility for persons with disabilities’ which means that services, technologies and products are perceivable, operable, understandable and robust for persons with disabilities.**

Or. en

**Amendment 202  
Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation  
Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a) The notions of ‘access’ or ‘accessibility’ are often referred to with the meaning of affordability (financial access), availability, or in relation to access to data, use of network, etc. It is important to distinguish these from ‘accessibility for persons with disabilities’ which means that services, technologies and products are perceivable, operable, understandable and robust for persons with disabilities.**

Or. en

*Justification*

*This is important for clarity of the legal text. We propose using ‘accessibility for persons with disabilities’ or ‘equal access for persons with disabilities’ whenever the term is used with this*

*meaning.*

### **Amendment 203**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) Afin de garantir l'efficacité des règles établies dans le présent règlement et l'existence de conditions de concurrence équitables dans le marché intérieur, ces règles devraient s'appliquer aux fournisseurs de services intermédiaires, quel que soit leur lieu d'établissement ou de résidence, dans la mesure où ils fournissent des services dans l'Union, ***pour autant qu'un lien étroit avec l'Union soit avéré.***

###### *Amendment*

(7) Afin de garantir l'efficacité des règles établies dans le présent règlement et l'existence de conditions de concurrence équitables dans le marché intérieur, ces règles devraient s'appliquer aux fournisseurs de services intermédiaires, quel que soit leur lieu d'établissement ou de résidence, dans la mesure où ils fournissent des services dans l'Union.

Or. fr

### **Amendment 204**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence, in so far as they provide services in the Union, as evidenced by a substantial connection to the Union.

###### *Amendment*

(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence, in so far as they provide ***and direct services at and*** in the Union, as evidenced by a substantial connection to the Union.

Or. en

## Amendment 205

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

*Amendment*

**(8) Il y a lieu de considérer qu'un tel lien étroit avec l'Union existe lorsque le fournisseur de services dispose d'un établissement dans l'Union ou, dans le cas contraire, sur la base de l'existence d'un nombre significatif d'utilisateurs dans un ou plusieurs États membres ou du ciblage des activités sur un ou plusieurs États membres. Le ciblage des activités vers un ou plusieurs États membres peut être déterminé sur la base de toutes les circonstances pertinentes, et notamment de facteurs comme l'utilisation d'une langue ou d'une monnaie généralement utilisées dans cet État membre ou ces États membres, ou la possibilité de commander des produits ou des services, ou l'utilisation d'un domaine national de premier niveau. Le ciblage des activités sur un État membre pourrait également se déduire de la disponibilité d'une application dans la boutique d'applications nationale concernée, de la diffusion de publicités à l'échelle locale ou dans la langue utilisée dans cet État membre, ou de la gestion des relations avec la clientèle, par exemple de la fourniture d'un service clientèle dans la langue utilisée généralement dans cet État membre. Un lien étroit devrait également être présumé lorsqu'un fournisseur de services dirige ses activités vers un ou plusieurs États membres comme le prévoit l'article 17, paragraphe 1, point c), du règlement (CE) n° 1215/2012 du Parlement européen et du Conseil<sup>27</sup>. En revanche, la simple accessibilité technique d'un site internet à partir de l'Union ne peut, pour ce seul motif, être considérée**

**supprimé**

*comme établissant un lien étroit avec l'Union.*

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*<sup>27</sup> Règlement (UE) n° 1215/2012 du Parlement européen et du Conseil du 12 décembre 2012 concernant la compétence judiciaire, la reconnaissance et l'exécution des décisions en matière civile et commerciale (JO L 351 du 20.12.2012, p. 1).*

Or. fr

## Amendment 206

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Karen Melchior

### Proposal for a regulation

#### Recital 8

##### *Text proposed by the Commission*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the **targeting** of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such **as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or** using a national top level domain. **The targeting** of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial

##### *Amendment*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of **active monthly** users in one or more Member States, or the **proactive directing** of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such using a national top level domain **or intermediary service provider solicits the conclusion of distance contracts from residents of the Union and that a contract has actually been concluded at a distance, by whatever means. In this respect, the language or currency which a website uses does not constitute a relevant factor.** **The proactive directing** of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of

connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on *that* ground alone, be considered as establishing a substantial connection to the Union.

local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. ***The mere availability of a service in a Member State should not be considered as a proactive offering of a service by the provider.*** A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU)1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union ***or the use of an international language of more than 100 Million native speakers*** cannot, on *those* ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

*(The exact number which equals significant should be fixed during negotiations)*

Or. en

## **Amendment 207**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 8**

*Text proposed by the Commission*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment

*Amendment*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment



in the Union or, in its absence, ***on the basis of the existence of a significant number of users in one or more Member States, or the targeting*** of activities towards one or more Member States. The ***targeting*** of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The ***targeting*** of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

in the Union or, in its absence ***the directing*** of activities towards one or more Member States. The ***directing*** of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The ***directing*** of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Or. en

#### **Amendment 208**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec, Andrea Caroppo**



**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the ***basis of the existence of a significant number of users in one or more Member States, or the targeting*** of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The ***targeting*** of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

*Amendment*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the ***directing*** of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The ***directing*** of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

**Amendment 209****Martin Schirdewan, Anne-Sophie Pelletier****Proposal for a regulation****Recital 8***Text proposed by the Commission*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of ***the existence of a significant number of users in one or more Member States, or*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

*Amendment*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Or. en

### **Amendment 210**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

### **Proposal for a regulation**

#### **Recital 8**

#### *Text proposed by the Commission*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of ***the existence of a significant number of users in one or more Member States, or*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article

#### *Amendment*

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the

17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

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<sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Or. en

## **Amendment 211**

**Marc Angel, Maria Grapini, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 9**

##### *Text proposed by the Commission*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those

##### *Amendment*

(9) This ***Regulation fully harmonises the rules applicable to intermediary services when dealing with illegal content online in the internal market to ensure a safe, predictable and trusted online environment where fundamental rights enshrined in the Charter are effectively protected, in order to improve the functioning of the Internal Market. Accordingly, Member States should not adopt or maintain additional national requirements on those matters falling within the scope of this Regulation, unless this would affect the direct and uniform application of the fully harmonised rules applicable to the providers of intermediary services in which are necessary to ensure the proper function of the internal market.*** The Regulation should complement, yet not affect the application of rules resulting from other acts of Union

other acts leave Member States the possibility of adopting certain measures at national level.

law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Or. en

## **Amendment 212**

**Petra Kammerevert, Evelyne Gebhardt, Christel Schaldemose**

### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not *or not fully* addressed by those other acts *as well as issues on which those other acts leave* Member States *the possibility of adopting certain* measures at national level.

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States

*Amendment*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation *should* apply in respect of issues that are not addressed by those other acts *and should be without prejudice to the* Member States' possibility *to adopt and further develop laws, regulations and other* measures, *which serve a legitimate public interest, in particular to protect the freedom of information and media or to foster the diversity of media or opinion and cultural or linguistic diversity. In particular, in the event of a conflict between Directive 2010/13/EU and the present Regulation, the provisions of the Directive 2010/13/EU should prevail. Similarly, legislation that is in accordance with Directive 2010/13/EU* at national level, *aiming at securing and fostering the fulfilment of various objectives underpinning the audiovisual policy of the Union and its Member States, should also prevail.*

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States



concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Or. en

### *Justification*

*The current approach could lead to the rules of the DSA de facto taking precedence over media and sector-specific rules of the Member States as well as over sector-specific Union law. Therefore, it should be clarified that the DSA will not impede Member States' possibilities to adopt further measures aiming to protect media freedom and to foster media pluralism and cultural diversity, including rules for intermediary service providers in the implementation of the AVMSD.*

### **Amendment 213**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera**

### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

(9) This Regulation *should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision* of intermediary services, *in particular* Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this

*Amendment*

(9) This Regulation *fully harmonises the rules applicable to intermediary services in the internal market with the objective to ensure a safe and trusted online environment, effective protection of fundamental rights and a favorable business climate. Accordingly, Member States should not adopt or maintain additional national requirements on those matters falling within the scope of this Regulation. This does not preclude the possibility to apply other national legislation applicable to providers of intermediary services in accordance with Union law, including Directive 2000/31/EC, in particular its Article 3, with the exception of those changes introduced by this Regulation, Directive*

Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level..

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Or. en

#### **Amendment 214**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Recital 9**

*Text proposed by the Commission*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union

*Amendment*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union



law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, ***among others***, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level. ***To assist Member States and providers, the Commission should provide guidelines as to how to interpret the interaction between different Union acts and how to prevent any duplication of requirements on providers or potential conflicts in the interpretation of similar requirements.***

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Or. en

## Amendment 215

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak

on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 9

##### *Text proposed by the Commission*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

##### *Amendment*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level. ***Therefore, Chapter III (Articles 10 to 37) also applies as a horizontal framework mutatis mutandis to intermediary services when implementing other secondary legislation, to the extent no more specific rules are laid down.***

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Or. en

## Amendment 216

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Laurence Farreng**

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March

*Amendment*

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. ***This regulation should also respect the competences of Member States to adopt laws promoting freedom and pluralism of the media as well as cultural and linguistic diversity.*** However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

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<sup>28</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March

2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

<sup>29</sup> Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Or. en

## Amendment 217

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) The right of the Member States to provide additional obligations, exemptions or derogations, which serve a legitimate public interest, in particular to protect the freedom of information and media or to foster the diversity of media or opinion and cultural or linguistic diversity, should remain unaffected. Because of the convergence of media, legislation and other measures that ensure and promote media pluralism may be necessary for the entire online environment. The right of the Member States especially includes substantive rules, rules of procedure and enforcement rules, including the regulatory structure.***

Or. en

#### *Justification*

*The current approach could lead to the rules of the DSA de facto taking precedence over media and sector-specific rules of the Member States for audiovisual media services as well as over sector-specific Union law. Therefore, it should be clarified that the DSA will not impede Member States' provisions to safeguard media pluralism and cultural diversity and to*

*promote media pluralism and cultural diversity, including rules for intermediary service providers, in the implementation of the AVMSD.*

#### **Amendment 218**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Recital 9 b (new)**

*Text proposed by the Commission*

*Amendment*

***(9b) Respecting the Union’s subsidiary competence to take cultural aspects into account in its action according to Article 167( 4) of the Treaty on the Functioning of the European Union, this Regulation should not affect Member States’ competences in their respective cultural policies, nor should it prejudice national measures addressed to intermediary service providers in order to protect the freedom of expression and information, media freedom and to foster media pluralism as well as cultural and linguistic diversity.***

Or. en

#### **Amendment 219**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council<sup>30</sup> and Regulation (EU) 2019/1150 of the European Parliament and of the Council,<sup>31</sup> Directive 2002/58/EC of the

(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council<sup>30</sup> and Regulation (EU) 2019/1150 of the European Parliament and of the Council,<sup>31</sup> Directive 2002/58/EC of the

European Parliament and of the Council<sup>32</sup> and Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC<sup>33</sup> as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council<sup>34</sup>, Directive 2011/83/EU of the European Parliament and of the Council<sup>35</sup> and Directive 93/13/EEC of the European Parliament and of the Council<sup>36</sup>, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council<sup>37</sup>, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.<sup>38</sup> The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions.

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<sup>30</sup> Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019, p. 1).

<sup>31</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

<sup>32</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p.

European Parliament and of the Council<sup>32</sup> and Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC<sup>33</sup> as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council<sup>34</sup>, Directive 2011/83/EU of the European Parliament and of the Council.<sup>35</sup> ***Directive (EU) 2019/882 of the European Parliament and of the Council***, and Directive 93/13/EEC of the European Parliament and of the Council<sup>36</sup>, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council<sup>37</sup>, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.<sup>38</sup> The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions.

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<sup>30</sup> Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019, p. 1).

<sup>31</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

<sup>32</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p.



37.

<sup>33</sup> Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC.

<sup>34</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>35</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

<sup>36</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

<sup>37</sup> Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules

<sup>38</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

37.

<sup>33</sup> Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC.

<sup>34</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>35</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

<sup>36</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

<sup>37</sup> Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules

<sup>38</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

## Amendment 220

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Recital 10

##### *Text proposed by the Commission*

(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council<sup>30</sup> and Regulation (EU) 2019/1150 of the European Parliament and of the Council,<sup>31</sup> Directive 2002/58/EC of the European Parliament and of the Council<sup>32</sup> and Regulation [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC<sup>33</sup> as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council<sup>34</sup>, Directive 2011/83/EU of the European Parliament and of the Council<sup>35</sup> and Directive 93/13/EEC of the European Parliament and of the Council<sup>36</sup>, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council<sup>37</sup>, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.<sup>38</sup> The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions.

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<sup>30</sup> Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU)

##### *Amendment*

(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council<sup>30</sup> and Regulation (EU) 2019/1150 of the European Parliament and of the Council,<sup>31</sup> Directive 2002/58/EC of the European Parliament and of the Council<sup>32</sup> and Regulation [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC<sup>33</sup> as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council<sup>34</sup>, Directive 2011/83/EU of the European Parliament and of the Council<sup>35</sup> and Directive 93/13/EEC of the European Parliament and of the Council<sup>36</sup>, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council<sup>37</sup>, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.<sup>38</sup> The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union *or national* law on working conditions, *collective agreements and social security systems*.

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<sup>30</sup> Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU)



No 98/2013 (OJ L 186, 11.7.2019, p. 1).

<sup>31</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

<sup>32</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.

<sup>33</sup> Regulation [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC.

<sup>34</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>35</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

<sup>36</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

<sup>37</sup> Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of

No 98/2013 (OJ L 186, 11.7.2019, p. 1).

<sup>31</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

<sup>32</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.

<sup>33</sup> Regulation [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC.

<sup>34</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>35</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

<sup>36</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

<sup>37</sup> Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of

the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules

<sup>38</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules

<sup>38</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

#### **Amendment 221**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Laurence Farreng**

#### **Proposal for a regulation**

##### **Recital 11**

###### *Text proposed by the Commission*

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, which establish specific rules and procedures that should remain unaffected.

###### *Amendment*

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market***, which establish specific rules and procedures that should remain unaffected.

Or. en

#### **Amendment 222**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Recital 11**

*Text proposed by the Commission*

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, ***which establish specific rules and procedures that should remain unaffected.***

*Amendment*

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights.

Or. en

**Amendment 223**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) Afin d'atteindre l'objectif consistant à garantir un environnement en ligne sûr, prévisible et de confiance, il convient, aux fins du présent règlement, de donner une définition ***large*** de la notion de «contenu ***illicite***», recouvrant ***également les informations relatives aux contenus, produits, services et activités illicites. En particulier, ce concept doit être compris comme se référant à des informations, quelle que soit leur forme, qui, en vertu du droit applicable, sont soit elles-mêmes illicites, comme les discours de haine illégaux ou les contenus à caractère terroriste et les contenus discriminatoires illégaux, soit se rapportent à des activités illégales, comme le partage d'images représentant des abus sexuels commis sur des enfants, le partage illégal d'images privées sans consentement, le harcèlement en ligne, la vente de produits non conformes ou contrefaits, l'utilisation non autorisée de matériel protégé par le droit d'auteur ou les activités impliquant des infractions à la loi sur la protection des consommateurs. Il importe peu à cet égard que l'illégalité de l'information ou***

*Amendment*

(12) Afin d'atteindre l'objectif consistant à garantir un environnement en ligne sûr, prévisible et de confiance, il convient, aux fins du présent règlement, de donner une définition ***stricte*** de la notion de «contenu ***illégal***», ***ce terme recouvrant toute activité prévue ou réprimée par la loi applicable dans l'État membre concerné.***

*de l'activité procède du droit de l'Union ou d'une législation nationale conforme au droit de l'Union et que la nature ou l'objet précis du droit en question soit connu.*

Or. fr

#### **Amendment 224**

**Tomislav Sokol, Ivan Štefanec, Pablo Arias Echeverría**

#### **Proposal for a regulation**

#### **Recital 12**

##### *Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. ***In particular, that*** concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

##### *Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities, ***including fake online profile accounts. Illegal content is often spread online precisely via fake online profile accounts. Namely, false representation in the ‘online world’ should not be legal as it is also not legal to falsely present oneself in the ‘offline world’. This approach is an evident manifestation of the principle that what is illegal offline should not be allowed to remain legal online. Moreover, the*** concept of “illegal content” should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of

consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

## Amendment 225

Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs, Marco Zullo, Jordi Cañas, Karen Melchior

### Proposal for a regulation

#### Recital 12

##### *Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the *concept* of “illegal content” should be defined broadly *and also covers* information relating to illegal content, products, services and activities. In particular, *that concept* should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material *or activities involving infringements of consumer protection law*. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

##### *Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the *concepts* of “illegal content” *and “illegal goods” should underpin the general idea that what is illegal offline should also be illegal online*. *The concepts* should be defined broadly *to cover* information relating to illegal content, products, services and activities. In particular, *the concepts* should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that *is not in compliance with Union law since it* relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, *the sale of products or the provision of services in infringement of consumer protection law*, *the* non-authorised use of copyright protected material. In this regard, it is immaterial whether the illegality of the information or activity results from Union

law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

### *Justification*

*Illegal products should be mentioned explicitly. It is insufficient to include “illegal products” in the definition of “illegal content” since products are regulated very differently from content.*

### **Amendment 226**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Ivan Štefanec, Pilar del Castillo Vera**

### **Proposal for a regulation**

#### **Recital 12**

#### *Text proposed by the Commission*

(12) ***In order to achieve the objective of ensuring a safe, predictable and trusted online environment***, for the purpose of this Regulation the concept of “illegal content” ***should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept*** should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that ***relates*** to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature

#### *Amendment*

(12) For the purpose of this Regulation the concept of “illegal content” should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that ***it is not in compliance with Union law as it refers*** to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.



or subject matter is of the law in question.

Or. en

*Justification*

*To clarify that the definition of illegal content does not include content only depicting or referring to illegal activities.*

**Amendment 227**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable *law* is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or ***that relates to activities that are*** illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

*Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable ***Union or national law as a result of its display on an intermediary service*** is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or ***due to its direct connection to or promotion of an illegal activity***, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, ***illegal trading of animals, plants and substances***, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national



law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

## Amendment 228

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Recital 12

##### *Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

##### *Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the ***provision of illegal services such as accommodation services on short-term rental platforms non-compliant with Union or national law***, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

**Amendment 229****Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek****Proposal for a regulation****Recital 12***Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly *and also covers* information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law *that is consistent with Union law* and what the precise nature or subject matter is of the law in question.

*Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should *underpin the general idea that what is illegal offline should also be illegal online. The concept should* be defined broadly *to cover* information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law and what the precise nature or subject matter is of the law in question.

**Amendment 230****Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

*Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law, ***including the EU Charter on Fundamental Rights*** and what the precise nature or subject matter is of the law in question.

Or. en

**Amendment 231**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined **broadly** and also **covers** information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

*Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined **appropriately** and also **cover unlawful** information **directly** relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that **directly** relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, **illegally-traded animals** the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

**Amendment 232**

**Jiří Pospíšil**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content”

*Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content”

should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorized use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, *illegally traded animals*, the non-authorized use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

### **Amendment 233**

**Marc Angel, Christel Schaldemose, Maria Grapini, Brando Benifei, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Recital 12**

##### *Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such

##### *Amendment*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such

as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is **consistent** with Union law and what the precise nature or subject matter is of the law in question.

as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law **where** that is **in conformity** with Union law and what the precise nature or subject matter is of the law in question.

Or. en

#### *Justification*

*National law needs to be in conformity with Union law. Also, we should avoid that the DSA indirectly validates national laws that define illegal content where these national laws violate Union law.*

#### **Amendment 234**

**Carlo Fidanza**

#### **Proposal for a regulation**

#### **Recital 12**

##### *Text proposed by the Commission*

(12) Per conseguire l'obiettivo di garantire un ambiente online sicuro, prevedibile e affidabile, ai fini del presente regolamento il concetto di "contenuto illegale" dovrebbe essere **definito in senso lato e comprendere anche le informazioni riguardanti i contenuti, i prodotti, i servizi e le attività illegali**. Tale concetto dovrebbe in particolare intendersi riferito alle informazioni, indipendentemente dalla loro forma, che ai sensi del diritto applicabile sono di per sé illegali, quali l'illecito incitamento all'odio o i contenuti

##### *Amendment*

(12) Per conseguire l'obiettivo di garantire un ambiente online sicuro, prevedibile e affidabile, ai fini del presente regolamento il concetto di "contenuto illegale" dovrebbe essere **adeguatamente distinto dal concetto di "contenuto potenzialmente nocivo"**. Il concetto di **"contenuto illegale"** dovrebbe in particolare intendersi riferito alle informazioni, indipendentemente dalla loro forma, che ai sensi del diritto applicabile sono di per sé illegali, quali l'illecito incitamento all'odio o i contenuti

terroristici illegali e i contenuti discriminatori illegali, o che riguardano attività illegali, quali la condivisione di immagini che ritraggono abusi sessuali su minori, la condivisione non consensuale illegale di immagini private, il cyberstalking, la vendita di prodotti non conformi o contraffatti, l'utilizzo non autorizzato di materiale protetto dal diritto d'autore o le attività che comportano violazioni della normativa sulla tutela dei consumatori. A tale riguardo è irrilevante che l'illegalità delle informazioni o delle attività sia sancita dal diritto dell'Unione o dal diritto nazionale conforme al diritto dell'Unione e quale sia la natura esatta o l'oggetto preciso della legge in questione.

terroristici illegali e i contenuti discriminatori illegali, o che riguardano attività illegali, quali la condivisione di immagini che ritraggono abusi sessuali su minori, la condivisione non consensuale illegale di immagini private, il cyberstalking, la vendita di prodotti non conformi o contraffatti, l'utilizzo non autorizzato di materiale protetto dal diritto d'autore o le attività che comportano violazioni della normativa sulla tutela dei consumatori. A tale riguardo è irrilevante che l'illegalità delle informazioni o delle attività sia sancita dal diritto dell'Unione o dal diritto nazionale conforme al diritto dell'Unione e quale sia la natura esatta o l'oggetto preciso della legge in questione.

Or. it

**Amendment 235**  
**Barbara Thaler**

**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) Tourism is one of the main pillars of the European Economy, therefore it is of utmost importance, that also the provision of accommodation services on short-term rental platforms need to be addressed directly in the legislation, to ensure a fair level playing field within the Internal Market.***

Or. en

**Amendment 236**  
**Andrea Caroppo, Salvatore De Meo**

**Proposal for a regulation**  
**Recital 13**



*Text proposed by the Commission*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

*Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the ***service is provided by cooperative organisations exclusively to their members established in the European Union with whom they have a direct organisational, cooperative or capital ownership link within the framework of an organised distribution network operating publicly under a common brand, or where the*** dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

Or. en

## Amendment 237

Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Recital 13

##### *Text proposed by the Commission*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

##### *Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher. ***Furthermore, cloud services that have no active role in the dissemination, monetisation and organisation of the information to the public or end users, at their request, should not be considered as online platforms.***

**Amendment 238**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

*Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request; ***or interact with user generated content, or retain available technical capabilities to address the problem in most expedient and proportionate manner.*** However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

**Amendment 239**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farré, Karen Melchior, Marco Zullo**

**Proposal for a regulation****Recital 13***Text proposed by the Commission*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

*Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks, ***content-sharing platforms, search engines, livestreaming platforms, messaging services*** or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

**Amendment 240**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, *such as* social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

*Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, *search engines*, social networks or online marketplaces *and live streaming platforms or private messaging providers* should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

**Amendment 241**  
**Karen Melchior**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks *or* online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

*Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks, *search engines*, online marketplaces, *and messaging services used as sales channels* should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.



**Amendment 242**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) Additionally in order to avoid imposing obligations simultaneously on two providers for the same content, a hosting service should only be deemed an online platform when it has a direct relationship with the recipient of the service. A hosting provider who is acting as the infrastructure for an online platform should not be considered as an online platform based on this relationship, where it implements the decisions of the online platform and its user indirectly.***

**Amendment 243**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

***(13b) For the purpose of this Regulation, a cloud computing service should not be considered as an 'online platform' where allowing the dissemination of hyperlinks to a specific content is a minor and ancillary feature. Moreover a cloud computing service when serving as infrastructure, for example as***



*the underlining infrastructural storage and computing services of an internet-based application or online platform, should not in itself be seen as disseminating to the public information stored or processed at the request of a recipient of an application or online platform which it hosts.*

Or. en

#### Amendment 244

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng

#### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a *finite* number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the

##### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a **large or** potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. **Accordingly, where access to information requires registration or admission to a user group, such information should only be considered to be publicly available when users seeking to access such information are automatically registered or admitted without human intervention to decide or select the users to whom access is granted.** The mere possibility to create groups of users of a given **service, including a messaging** service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups

meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

consisting of a *limited* number of pre-determined persons *taking into account the potential for groups to become tools for wide dissemination of content to the public*. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation *where they do not meet the above criteria for "dissemination to the public"*. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. *File-sharing services and other cloud services fall within the scope of this Regulation, to the extent that such services are used to make the stored information available to the public at the direct request of the content provider.*

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

## **Amendment 245**

**Brando Benifei, Christel Schaldemose, Monika Beňová**

### **Proposal for a regulation**

#### **Recital 14**

##### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the

##### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the

recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. ***Consequently, providers of services, such as cloud infrastructure, which are provided at the request of parties other than the content providers and only indirectly benefit the latter, should not be covered by this Regulation. This Regulation should cover, for example, providers of social media, video, image and audio-sharing services, as well as file-sharing services and other cloud services, insofar as those services are used to make the stored information available to the public at the direct request of the content provider. Where a service provider offers services other than hosting, this Regulation should apply only to the services that fall within its scope.***

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

## Amendment 246

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/172 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

##### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/172 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. ***Concept of 'dissemination to the public' should not apply to cloud services, including business-to-business cloud services, with respect to which the service provider has no contractual rights concerning what content is stored or how it is processed or made publicly available by its customers or by the end-users of such customers, and where the service***

***provider has no technical capability to remove specific content stored by their customers or the end-users of their services. Where a service provider offers several services, this Regulation should be applied only in respect of the services that fall within its scope.***

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

#### **Amendment 247**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Recital 14**

###### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in

###### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. ***Accordingly, where access to information requires***

Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, ***fall outside the scope of this Regulation.*** Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

***registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the information are automatically registered or admitted without a human decision or selection of whom to grant access.*** Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council, such as emails or private messaging services ***may, in general, not be considered as a dissemination to the public.*** Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

## **Amendment 248**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

### **Proposal for a regulation Recital 14**

#### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of

#### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of



whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, **fall outside** the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, **falling within** the scope of this Regulation **should not be seen as disseminating to the public**. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. **Where multiple providers are involved in the dissemination of an information to the public, the obligations related to that disseminated should lay with the outward facing provider closest in relations to the accessibility by the end user recipient of the final service**

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

#### **Amendment 249**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera**

#### **Proposal for a regulation Recital 14**



*Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

*Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. ***Services, such as internet infrastructure services or cloud service providers, which are provided at the request of parties other than the content providers and only indirectly benefitting the latter, should not be covered by the definition of online platforms.***

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

## Amendment 250

Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Brando Benifei, Monika Beňová

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

##### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. ***Consequently, providers of services, such as cloud infrastructure, which are provided at the request of parties other than the content providers and only indirectly benefit the latter, should not be covered by the definition of online platforms.***

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

## **Amendment 251**

### **Jiří Pospíšil**

#### **Proposal for a regulation**

##### **Recital 14**

###### *Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of predetermined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the

###### *Amendment*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. ***Closed groups consisting of a definite number of predetermined users should be recognised as a means of dissemination to the public.*** However, the concept should exclude dissemination of information within closed groups consisting of a finite number of predetermined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,<sup>39</sup> such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered

recipient of the service that provided the information.

disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

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<sup>39</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

**Amendment 252**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) Online marketplace services merit special attention due to the high number of illegal activities found on their online interfaces. Online marketplaces are services that enable or facilitate traders to make their products and services available to consumers, regardless of whether the contract is concluded within or outside the online interface of the online platform provider. Therefore, online marketplace services should be understood not only as platforms that directly facilitate the selling of goods or services, but online platforms where recipients of the service can place advertisements to offer products or services, online platforms which offer comparison, advisory or reputational services to recipients would also be covered as, without them, consumers would not have had access to such products, services or traders.***

Or. en

*Justification*

*It is important to clarify what falls under the definition of online market places.*

**Amendment 253**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) In line with the Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), this Regulation should not apply to gambling activities and this exclusion should covers only games of chance, lotteries and betting transactions, which involve wagering a stake with monetary value; this does not cover promotional competitions or games where the purpose is to encourage the sale of goods or services and where payments, if they arise, serve only to acquire the promoted goods or services.***

Or. en

**Amendment 254**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) Ensuring that providers of intermediary services can offer strong and effective end-to-end encryption is essential for trust in and security of digital***

*services in the Digital Single Market, and effectively prevents unauthorised third-party access.*

Or. en

*Justification*

*In line with IMCO INL (P9\_TA(2020)0272), paragraph 26: “Stresses the importance to apply effective end-to-end encryption to data, as it is essential for trust in and security on the Internet, and effectively prevents unauthorised third party access;”*

**Amendment 255**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union.

*Amendment*

(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union, *as well as technological and market developments.*

Or. en

**Amendment 256**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

*(17) Les règles pertinentes du chapitre II ne devraient établir que les cas dans lesquels le fournisseur de services intermédiaires concerné ne peut pas être tenu pour responsable du contenu illicite fourni par les bénéficiaires du service. Ces règles ne devraient pas être interprétées comme constituant une base décisive pour établir les cas dans lesquels la responsabilité d'un fournisseur peut être engagée, cette fonction étant réservée aux règles applicables du droit de l'Union ou du droit national. En outre, les exemptions de responsabilité établies dans le présent règlement devraient s'appliquer à tout type de responsabilité à l'égard de tout type de contenu illicite, indépendamment de l'objet ou de la nature précis de ces législations.*

*Amendment*

*supprimé*

Or. fr

**Amendment 257**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should **not** be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. Furthermore, the

*Amendment*

(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should **by no means** be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine.



exemptions from liability established in this Regulation should apply in respect of any type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws.

Furthermore, the exemptions from liability established in this Regulation should apply in respect of any type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws.

Or. en

## **Amendment 258**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Tomasz Frankowski**

### **Proposal for a regulation**

#### **Recital 18**

##### *Text proposed by the Commission*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical **and** automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

##### *Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical, automatic **and passive** processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider. ***The provider of intermediary services is considered to play an active role when it optimises, promotes, classifies, organises and references the content, regardless of whether this is automated or not.***

Or. en

## **Amendment 259**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

*Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic ***and passive*** processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider ***or where the provider prioritises or promotes the content, its presentation or monetisation beyond offering basic search and indexing functionalities that are absolutely necessary to navigate the content.***

Or. en

**Amendment 260**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The exemptions from liability established in this Regulation should not apply where, ***instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service,*** the provider of intermediary services ***plays an active role***

*Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, the provider of intermediary services ***has*** knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by

*of such a kind as to give it* knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

Or. en

**Amendment 261**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical **and** automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

*Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical, automatic **and passive** processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider **or where the intermediary service provider optimises or promotes content considered as legal, regardless of whether this process is automated.**

Or. en

## Amendment 262

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

### Proposal for a regulation

#### Recital 18

##### *Text proposed by the Commission*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

##### *Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. ***The mere ranking or displaying in an order, or the use of a recommender system should not, however, be deemed as having control over an information.*** Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

Or. en

## Amendment 263

Morten Løkkegaard

### Proposal for a regulation

#### Recital 18

##### *Text proposed by the Commission*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the

##### *Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the

recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, **or access to** that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

Or. en

### *Justification*

*In line with EC-Ruling C-324/09.*

#### **Amendment 264**

**Andrea Caroppo, Salvatore De Meo, Carlo Fianza**

#### **Proposal for a regulation**

#### **Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) Those exemptions from liability should also not be available to providers of intermediary services that do not comply with the due diligence obligations in this Regulation. The conditionality should further ensure that the standards to qualify for those exemptions contribute to a high level of safety and trust in the online environment in a manner that promotes a fair balance of the rights of all stakeholders.***

Or. en

#### **Amendment 265**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) The exemptions from liability established in this Regulation should not be available to providers of intermediary services that do not comply with the due diligence obligations in this Regulation. The conditionality should further ensure that the standards to qualify for such exemptions contribute to a high-level of safety and trust in the online environment.***

Or. en

**Amendment 266**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

*Amendment*

(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake illegal activities ***does not provide its service neutrally and*** should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake illegal activities ***or the main purpose of which is to engage in or facilitate such activities*** should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

Or. en

**Amendment 267**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) A provider of intermediary services that ***deliberately collaborates*** with a recipient of the services in order to undertake illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

*Amendment*

(20) A provider of intermediary services that ***engages*** with a recipient of the services in order to undertake illegal activities does not provide its service neutrally ***nor passively*** and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

Or. en

**Amendment 268**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

(20) A provider of intermediary services ***that deliberately collaborates with a recipient of the services in order to undertake*** illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

*Amendment*

(20) A provider of intermediary services ***the main purpose of which is to engage in or facilitate*** illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

Or. en

**Amendment 269**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services

*Amendment*

(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services



when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.

when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted. ***It also should not be understood to cover the ranking or sorting of information to make it accessible to a user or actions required to ensure the security of the transmissions.***

Or. en

#### **Amendment 270**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

#### **Proposal for a regulation**

##### **Recital 21**

###### *Text proposed by the Commission*

(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.

###### *Amendment*

(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature, ***such as network management***, which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.

Or. en

#### **Amendment 271**

**Brando Benifei, Christel Schaldemose, Monika Beňová, Maria Grapini**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.

*Amendment*

(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not ***select, rank or*** modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.

Or. en

**Amendment 272**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle *of* freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as

*Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content ***taking into account the potential harm the illegal content in question may create. In order to ensure a harmonised implementation of illegal content removal through out the Union, the provider should, within 24 hours, remove or disable access to illegal content that can seriously harm public policy, public***

those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

*security or public health or seriously harm consumers' health or safety. According to the well-established case-law of the Court of Justice and in line with Directive 2000/31/EC, the concept of 'public policy' involves a genuine, present and sufficiently serious threat which affects one of the fundamental interest of society, in particular for the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons. The concept of 'public security' as interpreted by the Court of Justice covers both the internal security of a Member State, which may be affected by, inter alia, a direct threat and physical security of the population of the Member State concerned, and the external security, which may be affected by, inter alia, the risk of a serious disturbance to the foreign relations of that Member State of to the peaceful coexistence of nations. Where the illegal content does not seriously harm public policy, public security, public health or consumers' health or safety, the provider should remove or disable access to illegal content within seven days. The deadlines referred to in this Regulation should be without prejudice to specific deadlines set out Union law or within administrative or judicial orders. The provider may derogate from the deadlines referred to in this Regulation on the grounds of force majeure or for justifiable technical or operational reasons but it should be required to inform the competent authorities as provided for in this Regulation. The removal or disabling of access should be undertaken in the observance of the principle *the Charter of Fundamental Rights, including a high level of consumer protection and* freedom of expression. The provider can obtain such actual knowledge or awareness*

through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

### Amendment 273

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Recital 22

#### *Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

#### *Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content. ***As long as providers act upon obtaining actual knowledge, providers should maintain the exemptions from liability referred to in article 3, 4, and 5, even when under taking voluntary own-initiative investigations or actions in line with***

*Article 27.*

Or. en

**Amendment 274**  
**Karen Melchior**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

*Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. ***The hosting services must take into account the harm that can potentially occur and act proportionally.*** The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

**Amendment 275**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, **upon obtaining actual knowledge or awareness of illegal content**, act expeditiously to remove or to disable access to **that** content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

*Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should act expeditiously to remove or to disable access to **content where it is evident to a layperson, without any substantive analysis, that the content is manifestly illegal or where it has become aware of the unlawful nature of the** content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

**Amendment 276**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, **in particular, its**

*Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through notices submitted to

*own-initiative investigations or* notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

**Amendment 277**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) Om in aanmerking te komen voor de vrijstelling van aansprakelijkheid voor hostingdiensten moet de aanbieder, wanneer hij daadwerkelijk kennis *of besef* heeft van illegale inhoud, *snel* handelen om die inhoud te verwijderen of ontoegankelijk te maken. Het verwijderen of ontoegankelijk maken moet gebeuren met inachtneming van het beginsel van de vrijheid van meningsuiting. De aanbieder kan deze daadwerkelijke kennis of het daadwerkelijke besef verkrijgen door met name op eigen initiatief onderzoek te doen of door meldingen die hem overeenkomstig deze verordening door personen of entiteiten worden voorgelegd, voor zover deze meldingen voldoende nauwkeurig en naar behoren gemotiveerd zijn *om een zorgvuldige marktdeelnemer in staat te stellen de vermeende illegale inhoud redelijkerwijs te identificeren, te beoordelen en, waar nodig, hiertegen op te treden.*

*Amendment*

(22) Om in aanmerking te komen voor de vrijstelling van aansprakelijkheid voor hostingdiensten moet de aanbieder, wanneer hij daadwerkelijk kennis heeft van *manifest* illegale inhoud *die verband houdt met ernstige misdrijven, prompt* handelen om die inhoud te verwijderen of ontoegankelijk te maken. Het verwijderen of ontoegankelijk maken moet gebeuren met inachtneming van het beginsel van de vrijheid van meningsuiting. De aanbieder kan deze daadwerkelijke kennis of het daadwerkelijke besef verkrijgen door met name op eigen initiatief onderzoek te doen of door meldingen die hem overeenkomstig deze verordening door personen of entiteiten worden voorgelegd, voor zover deze meldingen voldoende nauwkeurig en naar behoren gemotiveerd zijn *zodat het voor een leek zonder enig inhoudelijk onderzoek duidelijk is dat de inhoud illegaal is en verband houdt met ernstige misdrijven.*

Or. nl



## Amendment 278

Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act *expeditiously* to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

##### *Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act *without undue delay* to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

## Amendment 279

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) Afin de bénéficier de l'exemption de responsabilité relative aux services d'hébergement, le fournisseur devrait, dès qu'il a effectivement connaissance ou est informé d'un contenu *illicite*, agir rapidement pour retirer ce contenu ou en rendre l'accès impossible. Il convient de

##### *Amendment*

(22) Afin de bénéficier de l'exemption de responsabilité relative aux services d'hébergement, le fournisseur devrait, dès qu'il a effectivement connaissance ou est informé d'un contenu *illégal*, agir rapidement pour retirer ce contenu ou en rendre l'accès impossible. Il convient de

retirer des informations ou d'en rendre l'accès impossible dans le respect du principe de la liberté d'expression. Le fournisseur peut avoir effectivement connaissance ou être informé de tels contenus au moyen, notamment, d'enquêtes effectuées de sa propre initiative ou de notifications qui lui sont soumises par des particuliers ou des entités conformément au présent règlement, dans la mesure où ces notifications sont assez précises et suffisamment étayées pour permettre à un opérateur économique diligent d'identifier et d'évaluer raisonnablement le contenu présumé *illicite* et, le cas échéant, d'agir contre celui-ci.

retirer des informations ou d'en rendre l'accès impossible dans le respect du principe de la liberté d'expression. Le fournisseur peut avoir effectivement connaissance ou être informé de tels contenus au moyen, notamment, d'enquêtes effectuées de sa propre initiative ou de notifications qui lui sont soumises par des particuliers ou des entités conformément au présent règlement, dans la mesure où ces notifications sont assez précises et suffisamment étayées pour permettre à un opérateur économique diligent d'identifier et d'évaluer raisonnablement le contenu présumé *illégal* et, le cas échéant, d'agir contre celui-ci.

Or. fr

#### **Amendment 280**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation Recital 22**

##### *Text proposed by the Commission*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, ***upon obtaining actual knowledge or awareness of illegal content, act expeditiously*** to remove or to disable access to ***that*** content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain ***such*** actual knowledge ***or awareness through***, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are ***sufficiently*** precise and adequately substantiated to allow ***a diligent*** economic operator to reasonably identify, assess and where appropriate act against

##### *Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should ***act*** to remove or to disable access to ***the illegal content when such content is deemed to be illegal according to Union or Member State law.*** The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain actual knowledge ***of the illegal content***, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are precise and adequately substantiated to allow ***an*** economic operator to reasonably identify, assess and where appropriate act against the allegedly

the allegedly illegal content.

illegal content.

Or. en

#### **Amendment 281**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*(22a) The exemption of liability should not apply where the recipient of the service is acting under the authority or the control of the provider of a hosting service. In particular, where the provider of the online platform that allows consumers to conclude distance contracts with traders does not allow traders to determine the basic elements of the trader-consumer contract, such as the terms and conditions governing such relationship or the price, it should be considered that the trader acts under the authority or control of that platform.*

Or. en

#### *Justification*

*To clarify the concept of "authority or control" referred to in article 5(3).*

#### **Amendment 282**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Recital 23**

*Text proposed by the Commission*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

*Amendment*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders ***as a functionality of their service***, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. ***This is the case where the online platform operator fails to clearly display the identity of the trader following this Regulation.*** In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer. ***In particular, it is relevant whether the online platform operator withholds such identity or contract details until after the conclusion of the trader-consumer contract, or is marketing the product or service in its own name rather than using the name of the trader who will supply it.***

Or. en

*Justification*

*To clarify the concept of "authority or control" referred to in article 5(3).*

**Amendment 283**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) Afin d'assurer une protection efficace des consommateurs lorsqu'ils effectuent des transactions commerciales intermédiées en ligne, il convient que certains fournisseurs de services d'hébergement, à savoir les plateformes en ligne qui permettent aux consommateurs de conclure des contrats à distance avec des professionnels, ne bénéficient pas de l'exemption de responsabilité des fournisseurs de services d'hébergement établie dans le présent règlement, dans la mesure où ces plateformes en ligne présentent les informations pertinentes relatives aux transactions en cause de telle manière qu'elles conduisent le consommateur à présumer que les informations ont été fournies par ces plateformes en ligne elles-mêmes ou par des bénéficiaires du service agissant sous leur autorité ou leur contrôle, et que ces plateformes en ligne ont donc connaissance de ces informations ou les contrôlent, même si ce n'est pas le cas en réalité. À cet égard, il convient de déterminer objectivement, sur la base de toutes les circonstances pertinentes, si la présentation est susceptible de conduire un consommateur moyen et raisonnablement bien informé à une telle présomption.

*Amendment*

(23) Afin d'assurer une protection efficace des consommateurs lorsqu'ils effectuent des transactions commerciales intermédiées en ligne, il convient que certains fournisseurs de services d'hébergement, à savoir les plateformes en ligne qui permettent aux consommateurs de conclure des contrats à distance avec des professionnels, ne bénéficient pas de l'exemption de responsabilité des fournisseurs de services d'hébergement établie dans le présent règlement, dans la mesure où ces plateformes en ligne présentent les informations pertinentes relatives aux transactions en cause de telle manière qu'elles conduisent le consommateur à présumer que les informations ont été fournies par ces plateformes en ligne elles-mêmes ou par des bénéficiaires du service agissant sous leur autorité ou leur contrôle, et que ces plateformes en ligne ont donc connaissance de ces informations ou les contrôlent, même si ce n'est pas le cas en réalité. À cet égard, il convient de déterminer objectivement, sur la base de toutes les circonstances pertinentes, si la présentation est susceptible de conduire un consommateur moyen et raisonnablement bien informé à une telle présomption. ***Les fournisseurs de services d'hébergement dont la responsabilité serait engagée de cette manière devraient se voir garantir la possibilité d'une action récursoire contre le professionnel réellement responsable, pour autant que les conditions d'utilisation de leurs services ne le prévoient pas.***

Or. fr

## Amendment 284

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

(23) ***In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders,*** should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as ***those online platforms*** present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those ***online platforms*** themselves or by recipients of the service acting under their authority or control, and that those ***online platforms*** thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, is should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

*Amendment*

(23) Hosting services should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as ***they*** present the relevant information relating to the transactions ***or exchanges*** at issue in such a way that it leads consumers to believe that the information was provided by those ***services providers*** themselves or by recipients of the service acting under their authority or control, and that those ***services providers*** thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, is should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

Or. en

## Amendment 285

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online **platforms** present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

*Amendment*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online **marketplaces which are online** platforms that allow consumers to conclude distance contracts with traders **on the online platform itself**, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online **marketplaces** present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. **This may include the storage, packing and shipment of a good from a warehouse under the control of the online marketplace.** In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

Or. en

**Amendment 286**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Recital 23**

*Text proposed by the Commission*

(23) In order to ensure the effective

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*Amendment*

(23) In order to ensure the effective

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protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. ***In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.***

protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case.

Or. en

#### **Amendment 287**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information

##### *Amendment*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, ***unless they comply with certain due diligence obligation of this***

relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

**regulation and** in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

Or. en

## Amendment 288

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

(23) ***In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain*** providers of hosting services, ***namely***, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as ***those online platforms*** present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those ***online platforms*** themselves or by recipients of the service acting under their authority or control, and that those ***online platforms*** thus have knowledge of or control over the information, even if that

*Amendment*

(23) Providers of hosting services, ***such as*** online platforms that allow consumers to conclude distance contracts with traders, ***and other service providers*** should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as ***they*** present the relevant information relating to the transactions ***or exchanges*** at issue in such a way that it leads consumers to believe that the information was provided by those ***hosting service providers*** themselves or by recipients of the service acting under their authority or control, and that those ***hosting service providers*** thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined

may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

Or. en

### **Amendment 289**

**Rasmus Andresen, Kim Van Sparrentak, Alexandra Geese**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of ***an average and reasonably well-informed*** consumer.

##### *Amendment*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of ***a*** consumer.

**Amendment 290**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) European consumers should be able to safely purchase products and services online, regardless of whether a product or service has been produced in the Union or not. Online platforms allowing distance contracts with third-country traders should establish, before approving that trader on their platform, that the third-country trader complies with the relevant Union or national law on product safety and product compliance. In addition, if the third-country trader does not provide an economic operator inside the Union liable for the product safety, online platforms should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation.***

**Amendment 291**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Marion Walsmann, Barbara Thaler**

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) Consumers should be able to***

*safely purchase products and services online, irrespective of whether a product or service has been produced in the Union. For that reason, traders from third countries should establish a legal representative in the Union to whom claims regarding product safety could be addressed. Providers of intermediary services from inside the Union as well as from third countries should ensure compliance with product requirements set out in Union law.*

Or. en

### **Amendment 292**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Recital 24**

##### *Text proposed by the Commission*

(24) Les exemptions de responsabilité établies dans le présent règlement ne devraient pas affecter la possibilité de procéder à des injonctions de différents types à l'encontre des fournisseurs de services intermédiaires, alors même qu'ils remplissent les conditions fixées dans le cadre de ces exemptions. Ces injonctions peuvent notamment revêtir la forme de décisions de tribunaux ou d'autorités administratives exigeant qu'il soit mis un terme à toute infraction ou que l'on prévienne toute infraction, y compris en retirant les informations *illicites* spécifiées dans ces injonctions émises conformément au droit de l'Union, ou en rendant impossible l'accès à ces informations.

##### *Amendment*

(24) Les exemptions de responsabilité établies dans le présent règlement ne devraient pas affecter la possibilité de procéder à des injonctions de différents types à l'encontre des fournisseurs de services intermédiaires, alors même qu'ils remplissent les conditions fixées dans le cadre de ces exemptions. Ces injonctions peuvent notamment revêtir la forme de décisions de tribunaux ou d'autorités administratives exigeant qu'il soit mis un terme à toute infraction ou que l'on prévienne toute infraction, y compris en retirant les informations *illégales* spécifiées dans ces injonctions émises conformément au droit de l'Union, ou en rendant impossible l'accès à ces informations.

Or. fr

### **Amendment 293**

**Karen Melchior**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.**

**deleted**

Or. en

*Justification*

*Justification: Platforms should not need to take voluntary actions beyond what is required by law if the latter is clear about the duties they need to undertake. We are very sceptical about introducing a “Good Samaritan”-type clause to add more protections to intermediary service providers that adopt “voluntary” actions. This could render enforcement less effective. Just because voluntary action is taken, it does not mean platforms will effectively protect consumers.*

## Amendment 294

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 25

*Text proposed by the Commission*

*Amendment*

**(25) *In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.*** *deleted*

Or. en

*Justification*

*See justification given for deleting Article 6.*



**Amendment 295**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.**

*deleted*

Or. en

*Justification*

*Technical Amendment to adjust the text with articles.*

**Amendment 296**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) *In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.*** *deleted*

Or. en

**Amendment 297**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.**

**deleted**

Or. en

#### **Amendment 298**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin**

#### **Proposal for a regulation**

#### **Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) In order to create legal certainty

(25) In order to create legal certainty

and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. ***Similarly, measures taken to enforce a provider's terms and conditions should not lead to the unavailability of the exemptions.*** In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken ***in order to detect, identify and act against illegal content on a voluntary basis or to enforce a provider's terms and conditions and the transparency reporting related to those actions*** should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

Or. en

#### **Amendment 299**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

#### **Proposal for a regulation**

#### **Recital 25**

*Text proposed by the Commission*

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

*Amendment*

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken ***in order to detect, identify and act against illegal content on a voluntary basis*** should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

Or. en

**Amendment 300**  
**Carlo Fidanza**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Al fine di garantire la certezza del

PE695.150v01-00

*Amendment*

(25) Al fine di garantire la certezza del

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diritto e non scoraggiare le attività volte a individuare, identificare e contrastare i contenuti illegali che i prestatori di servizi intermediari possono intraprendere su base volontaria, è opportuno chiarire che il semplice fatto che i prestatori intraprendano tali attività non comporta il venir meno delle esenzioni dalla responsabilità stabilite nel presente regolamento, purché tali attività siano svolte in buona fede e in modo diligente. È inoltre opportuno chiarire che il semplice fatto che tali prestatori adottino, in buona fede, misure per adempiere le prescrizioni del diritto dell'Unione, comprese quelle stabilite nel presente regolamento per quanto riguarda l'attuazione delle loro condizioni generali, non dovrebbe comportare il venir meno di tali esenzioni dalla responsabilità. Le attività e le misure che un determinato prestatore può aver adottato non dovrebbero pertanto essere prese in considerazione nel determinare se il prestatore possa avvalersi di un'esenzione dalla responsabilità, in particolare per quanto riguarda la questione se il prestatore offra il suo servizio in modo neutro e possa pertanto rientrare nell'ambito di applicazione della pertinente disposizione, senza che tale norma implichi tuttavia che il prestatore possa necessariamente avvalersene.

diritto e non scoraggiare le attività volte a individuare, identificare e contrastare i contenuti *manifestamente* illegali *connessi a reati gravi*, che i prestatori di servizi intermediari possono intraprendere su base volontaria, è opportuno chiarire che il semplice fatto che i prestatori intraprendano tali attività non comporta il venir meno delle esenzioni dalla responsabilità stabilite nel presente regolamento, purché tali attività siano svolte in buona fede, e in modo diligente *e mai su base discrezionale*. È inoltre opportuno chiarire che il semplice fatto che tali prestatori adottino, in buona fede, misure per adempiere le prescrizioni del diritto dell'Unione, comprese quelle stabilite nel presente regolamento per quanto riguarda l'attuazione delle loro condizioni generali, non dovrebbe comportare il venir meno di tali esenzioni dalla responsabilità. Le attività e le misure che un determinato prestatore può aver adottato non dovrebbero pertanto essere prese in considerazione nel determinare se il prestatore possa avvalersi di un'esenzione dalla responsabilità, in particolare per quanto riguarda la questione se il prestatore offra il suo servizio in modo neutro e possa pertanto rientrare nell'ambito di applicazione della pertinente disposizione, senza che tale norma implichi tuttavia che il prestatore possa necessariamente avvalersene.

Or. it

## **Amendment 301**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

### **Proposal for a regulation**

#### **Recital 25**

*Text proposed by the Commission*

(25) In order to create legal certainty and not to discourage activities aimed at

*Amendment*

(25) In order to create legal certainty and not to discourage activities aimed at

detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union *or national* law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability *set out in this Regulation*. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

Or. en

## **Amendment 302**

**Brando Benifei, Christel Schaldemose, Monika Beňová, Maria Grapini**

### **Proposal for a regulation**

#### **Recital 25**

##### *Text proposed by the Commission*

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that

##### *Amendment*

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that



the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out *in good faith and in a diligent manner*. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out *with the appropriate safeguards against over-removal of legal content*. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

Or. en

### **Amendment 303**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Recital 25**

*Text proposed by the Commission*

(25) Afin de créer une sécurité juridique et de ne pas décourager les activités visant à détecter, recenser et combattre les contenus *illicites* entreprises volontairement par les fournisseurs de services intermédiaires, il convient de préciser que le simple fait que les fournisseurs entreprennent de telles activités n'entraîne pas la non-application des exemptions de responsabilité prévues par le présent règlement, pour autant que

*Amendment*

(25) Afin de créer une sécurité juridique et de ne pas décourager les activités visant à détecter, recenser et combattre les contenus *illégaux* entreprises volontairement par les fournisseurs de services intermédiaires, il convient de préciser que le simple fait que les fournisseurs entreprennent de telles activités n'entraîne pas la non-application des exemptions de responsabilité prévues par le présent règlement, pour autant que

ces activités soient menées de bonne foi et avec diligence. En outre, il convient de préciser que le simple fait que ces fournisseurs prennent des mesures, de bonne foi, pour se conformer aux exigences du droit de l'Union, y compris celles énoncées dans le présent règlement en ce qui concerne la mise en œuvre de leurs conditions générales, ne devrait pas entraîner la non-application de ces exemptions de responsabilité. Par conséquent, de telles activités et mesures prises par un fournisseur donné ne devraient pas être prises en compte pour déterminer si ledit fournisseur peut se prévaloir d'une exemption de responsabilité, notamment en ce qui concerne la question de savoir s'il fournit son service de manière neutre et peut donc relever du champ d'application de la disposition concernée. Cependant, cette règle n'implique pas que ledit fournisseur peut nécessairement se prévaloir d'une exemption de responsabilité.

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Or. fr

#### **Amendment 304**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Recital 26**

##### *Text proposed by the Commission*

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such

##### *Amendment*

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such

content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content.

content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content ***or that ability originates from the regulatory or contractual provisions***, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content. ***Consequently, providers of intermediary services should act on the specific illegal content only if they are in the best place to do so, and the blocking orders should be considered as a last resort measure and applied only when all other options are exhausted.***

Or. en

### **Amendment 305**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 26**

*Text proposed by the Commission*

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption

*Amendment*

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from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content.

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Or. en

#### *Justification*

*The DSA should ensure that community-led moderation in public fora, such as Reddit or Mastodon, can be an acceptable means to avoid the spread of illegal content – in addition to providers terms and conditions*

**Amendment 306**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

(26) Alors que les règles du chapitre II du présent règlement se concentrent sur l'exemption de responsabilité des fournisseurs de services intermédiaires, il est important de rappeler que, malgré le rôle généralement important joué par ces fournisseurs, le problème des contenus et activités **illicites** en ligne ne devrait pas être traité sous le seul angle de leurs responsabilités. Dans la mesure du possible, les tiers affectés par des contenus **illicites** transmis ou stockés en ligne devraient tenter de résoudre les conflits relatifs à ces contenus sans impliquer les fournisseurs de services intermédiaires en question. Les bénéficiaires du service devraient être tenus responsables des contenus **illicites** qu'ils fournissent et qui peuvent être diffusés par des services intermédiaires, lorsque les règles applicables du droit de l'Union et du droit national déterminant cette responsabilité le prévoient. Le cas échéant, d'autres acteurs, tels que les modérateurs de groupe dans des environnements en ligne fermés, notamment dans le cas de grands groupes, devraient également contribuer à éviter la diffusion de contenus **illicites** en ligne, dans le respect de la législation applicable. En outre, lorsqu'il est nécessaire d'impliquer des fournisseurs de services de la société de l'information, y compris des fournisseurs de services intermédiaires, toute demande ou toute injonction concernant cette implication devrait, en règle générale, être adressée à l'acteur qui a la capacité technique et opérationnelle d'agir contre des éléments de contenus **illicites** spécifiques, de manière à prévenir et à réduire au minimum tout effet négatif éventuel sur la disponibilité et l'accessibilité d'informations qui ne constituent pas des contenus **illicites**.

*Amendment*

(26) Alors que les règles du chapitre II du présent règlement se concentrent sur l'exemption de responsabilité des fournisseurs de services intermédiaires, il est important de rappeler que, malgré le rôle généralement important joué par ces fournisseurs, le problème des contenus et activités **illégaux** en ligne ne devrait pas être traité sous le seul angle de leurs responsabilités. Dans la mesure du possible, les tiers affectés par des contenus **illégaux** transmis ou stockés en ligne devraient tenter de résoudre les conflits relatifs à ces contenus sans impliquer les fournisseurs de services intermédiaires en question. Les bénéficiaires du service devraient être tenus responsables des contenus **illégaux** qu'ils fournissent et qui peuvent être diffusés par des services intermédiaires, lorsque les règles applicables du droit de l'Union et du droit national déterminant cette responsabilité le prévoient. Le cas échéant, d'autres acteurs, tels que les modérateurs de groupe dans des environnements en ligne fermés, notamment dans le cas de grands groupes, devraient également contribuer à éviter la diffusion de contenus **illégaux** en ligne, dans le respect de la législation applicable. En outre, lorsqu'il est nécessaire d'impliquer des fournisseurs de services de la société de l'information, y compris des fournisseurs de services intermédiaires, toute demande ou toute injonction **judiciaire** concernant cette implication devrait, en règle générale, être adressée à l'acteur qui a la capacité technique et opérationnelle d'agir contre des éléments de contenus **illégaux** spécifiques, de manière à prévenir et à réduire au minimum tout effet négatif éventuel sur la disponibilité et l'accessibilité d'informations qui ne constituent pas des

**Amendment 307**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting

*Amendment*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, ***although they do not fall within the obligations under this Regulations***, too, can benefit from the exemptions from liability, to the extent that they qualify as



service.

‘mere conduit’, ‘caching’ or hosting service.

Or. en

### **Amendment 308**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 27**

##### *Text proposed by the Commission*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, **domain name system (DNS) services, top-level domain name registries**, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as

##### *Amendment*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service. **Domain name system (DNS)**



‘mere conduit’, ‘caching’ or hosting service.

***registration services can also benefit from the exemptions from liability set out in this Regulation.***

Or. en

### *Justification*

*The DSA should avoid ambiguity with respect to whether DNS services are indeed in scope or not, created by (a) the phrase “as the case may be” and primarily (b) the phrase “to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services”. Moreover, technically these entities’ services may not qualify as “caching”, mere conduit” or “hosting”. The entities performing these DNS services constitute an extremely broad spectrum of actors who may have practically no control over the content that is transmitted using their services and, therefore, would seem to fall outside the intended scope of the DSA proposed Regulation. Imposing intermediary services obligations to DNS services, such as the DNS root or the root name servers, does not appear to be consistent with the EU’s vision of a single and unfragmented internet and its commitment to the multi-stakeholder internet governance approach.*

### **Amendment 309**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### **Proposal for a regulation**

#### **Recital 27**

#### *Text proposed by the Commission*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area

#### *Amendment*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be ***and among others,***

networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.

wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, ***Virtual Private Networks***, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.

Or. en

#### **Amendment 310**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

##### **Recital 27**

###### *Text proposed by the Commission*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or

###### *Amendment*

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or

hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.

hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, *cloud infrastructure services* or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.

Or. en

### **Amendment 311**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

### **Proposal for a regulation**

#### **Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***(27a) A single webpage or website may include elements that qualify differently between ‘mere conduit’, ‘caching’ or hosting services and the rules for exemptions from liability should apply to each accordingly. For example, a search engine may act solely as a ‘caching’ service as to information included in the results of an inquiry. Elements displayed alongside those results, such as online advertisements, would however still meet the standard of a hosting service.***

Or. en

## Amendment 312

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Recital 28

##### *Text proposed by the Commission*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

##### *Amendment*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case, ***where set down in Union acts*** and, in particular, does not affect orders by national authorities in accordance with national legislation ***that implements Union acts***, in accordance with the conditions established in this Regulation ***and other Union law regarded as lex specialis***. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content. ***Equally, nothing in this Regulation should prevent providers from enacting end-to-end encrypting of their services.***

Or. en

## Amendment 313

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng

### Proposal for a regulation

#### Recital 28

##### *Text proposed by the Commission*

(28) Providers of intermediary services should not be subject to a monitoring

##### *Amendment*

(28) Providers of intermediary services should not be subject to a monitoring

obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content. ***This should be without prejudice to decisions of Member States to require service providers, who host information provided by users of their service, to apply due diligence measures.***

Or. en

#### **Amendment 314**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

##### *Amendment*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature, ***imposing constant content identification from the entirety of available content.*** This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

**Amendment 315**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera**

**Proposal for a regulation****Recital 28***Text proposed by the Commission*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

*Amendment*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern ***specific and properly identified*** monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

**Amendment 316**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

**Proposal for a regulation****Recital 28***Text proposed by the Commission*

(28) ***Providers of intermediary services should not be subject to*** a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by

*Amendment*

(28) ***Member States are prevented from imposing*** a monitoring obligation ***on service providers only*** with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not

national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as ***an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take*** proactive measures to ***relation to*** illegal content.

affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as ***impeding*** providers ***from taking*** proactive measures to ***identify and remove*** illegal content ***and to prevent that it reappears***.

Or. en

### **Amendment 317**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Recital 28**

###### *Text proposed by the Commission*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in ***a specific case and***, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

###### *Amendment*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in specific ***cases and therefore***, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.

Or. en

### **Amendment 318**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Recital 28**



*Text proposed by the Commission*

(28) Les fournisseurs de services intermédiaires ne devraient pas être soumis à une obligation de surveillance en ce qui concerne les obligations de nature générale. Cela ne concerne pas les obligations de surveillance applicables à un cas spécifique et, notamment, cela ne fait pas obstacle aux injonctions des autorités nationales émises conformément à la législation nationale, dans les conditions établies par le présent règlement. Aucune disposition du présent règlement ne devrait être interprétée comme imposant une obligation générale de surveillance ou une obligation de recherche active des faits, ou comme une obligation générale, pour les fournisseurs, de prendre des mesures proactives à l'égard des contenus *illicites*.

*Amendment*

(28) Les fournisseurs de services intermédiaires ne devraient pas être soumis à une obligation de surveillance en ce qui concerne les obligations de nature générale. Cela ne concerne pas les obligations de surveillance applicables à un cas spécifique et, notamment, cela ne fait pas obstacle aux injonctions des autorités nationales émises conformément à la législation nationale, dans les conditions établies par le présent règlement. Aucune disposition du présent règlement ne devrait être interprétée comme imposant une obligation générale de surveillance ou une obligation de recherche active des faits, ou comme une obligation générale, pour les fournisseurs, de prendre des mesures proactives à l'égard des contenus *illégaux*.

Or. fr

**Amendment 319**  
**Karen Melchior**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, *in particular*, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to

*Amendment*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to

relation to illegal content.

relation to illegal content.

Or. en

## **Amendment 320**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) Since media service providers hold editorial responsibility for the content and services they make available, such content and services should benefit from a specific regime that prevents a multiple control of those content and services. Those content and services are typically offered in accordance with professional and journalistic standards as well as legislation and are already subject to systems of supervision and control, often enshrined in commonly accepted self-regulatory standards and codes. In addition, media service providers usually have in place complaints handling mechanisms to resolve content-related disputes. Editorial responsibility means the exercise of effective control both over the selection of content and over its provision by means of its presentation, composition and organisation. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided. Intermediary service providers should refrain from removing, suspending or disabling access to any such content or services. Intermediary service providers should be exempt from liability for content and services offered by media service providers. A presumption of legality should exist in relation to the content and services provided by media service providers who carry out their activities in respect of European values***

*and fundamental rights. Compliance by media service providers with these rules and regulations should be overseen by the respective independent regulatory authorities, bodies or both and the respective European networks they are organised in.*

Or. en

### *Justification*

*Online platforms should not assume editor-like roles as they do currently. Thus, a general prohibition of interference with content and services provided by media service providers is needed, as the secondary control of media content in compliance with sector-specific rules and national law and constitutions would pose great risks to media freedom and the availability of trustworthy information online. As media service providers should benefit from a special regime that presumes their content's legality, intermediary service providers likewise should not be held liable for it.*

## **Amendment 321**

**Carlo Fidanza**

### **Proposal for a regulation**

#### **Recital 29**

#### *Text proposed by the Commission*

(29) A seconda dell'ordinamento giuridico di ciascuno Stato membro e del settore del diritto in questione, le autorità giudiziarie o amministrative nazionali **possono ordinare ai prestatori** di servizi intermediari di contrastare determinati contenuti illegali specifici o di fornire determinate informazioni specifiche. Le leggi nazionali in base alle quali tali ordini sono emessi divergono considerevolmente e gli ordini trattano in misura sempre maggiore situazioni transfrontaliere. Al fine di garantire che tali ordini possano essere rispettati in modo efficace ed efficiente, consentendo alle autorità pubbliche interessate di svolgere i loro compiti ed evitando che i prestatori siano soggetti a oneri sproporzionati, senza che ciò comporti un pregiudizio indebito ai

#### *Amendment*

(29) A seconda dell'ordinamento giuridico di ciascuno Stato membro e del settore del diritto in questione, le autorità giudiziarie o amministrative, **o di pubblica sicurezza** nazionali **dovrebbero configurarsi come gli unici soggetti ammessi a decidere sull'eliminazione di contenuti specifici, ad eccezione dei casi di contenuti manifestamente illegali connessi a reati gravi, i quali potrebbero richiedere un intervento immediato da parte del prestatore** di servizi intermediari di contrastare determinati contenuti illegali specifici o di fornire determinate informazioni specifiche. Le leggi nazionali in base alle quali tali ordini sono emessi divergono considerevolmente e gli ordini trattano in misura sempre maggiore situazioni transfrontaliere. Al fine di

diritti e agli interessi legittimi di terzi, è necessario stabilire determinate condizioni che tali ordini dovrebbero soddisfare nonché determinate prescrizioni complementari relative al trattamento dei suddetti ordini.

garantire che tali ordini possano essere rispettati in modo efficace ed efficiente, consentendo alle autorità pubbliche interessate di svolgere i loro compiti ed evitando che i prestatori siano soggetti a oneri sproporzionati, senza che ciò comporti un pregiudizio indebito ai diritti e agli interessi legittimi di terzi, è necessario stabilire determinate condizioni che tali ordini dovrebbero soddisfare nonché determinate prescrizioni complementari relative al trattamento dei suddetti ordini.

Or. it

### **Amendment 322**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

#### **Proposal for a regulation**

##### **Recital 29**

###### *Text proposed by the Commission*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to **the** processing of

###### *Amendment*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws **in conformity with the Union law, including the EU Charter on Fundamental Rights** on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary

those orders.

requirements relating to *ensure the effective* processing of those orders.

Or. en

### **Amendment 323**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Recital 29**

###### *Text proposed by the Commission*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

###### *Amendment*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders. ***The applicable rules on the mutual recognition of court decisions should be unaffected.***

Or. en

### **Amendment 324**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin,**

**Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 29**

*Text proposed by the Commission*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

*Amendment*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the *effective* processing of those orders.

Or. en

**Amendment 325**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Recital 29**

*Text proposed by the Commission*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain *specific items of* illegal content or to

*Amendment*

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain illegal content or to provide certain

provide certain *specific items of* information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

Or. en

**Amendment 326**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) En fonction du système juridique de chaque État membre et du domaine juridique en cause, les autorités judiciaires ou administratives nationales peuvent enjoindre aux fournisseurs de services intermédiaires de prendre des mesures à l'encontre d'éléments de contenus *illicites* spécifiques ou de fournir des éléments d'information spécifiques. Les législations nationales sur la base desquelles ces injonctions sont émises diffèrent considérablement et, de plus en plus souvent, les injonctions sont émises dans des contextes transfrontières. Afin de permettre une exécution efficace et efficiente de ces injonctions, de sorte que les autorités publiques concernées puissent accomplir leurs missions et que les fournisseurs ne soient pas soumis à des

*Amendment*

(29) En fonction du système juridique de chaque État membre et du domaine juridique en cause, les autorités judiciaires ou administratives nationales peuvent enjoindre aux fournisseurs de services intermédiaires de prendre des mesures à l'encontre d'éléments de contenus *illégaux* spécifiques ou de fournir des éléments d'information spécifiques. Les législations nationales sur la base desquelles ces injonctions sont émises diffèrent considérablement et, de plus en plus souvent, les injonctions sont émises dans des contextes transfrontières. Afin de permettre une exécution efficace et efficiente de ces injonctions, de sorte que les autorités publiques concernées puissent accomplir leurs missions et que les fournisseurs ne soient pas soumis à des



charges disproportionnées, sans porter indûment atteinte aux droits et intérêts légitimes de tiers, il est nécessaire de fixer certaines conditions auxquelles ces injonctions doivent répondre et certaines exigences complémentaires relatives au traitement de ces injonctions.

charges disproportionnées, sans porter indûment atteinte aux droits et intérêts légitimes de tiers, il est nécessaire de fixer certaines conditions auxquelles ces injonctions doivent répondre et certaines exigences complémentaires relatives au traitement de ces injonctions.

Or. fr

#### **Amendment 327**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

#### **Proposal for a regulation**

#### **Recital 30**

##### *Text proposed by the Commission*

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable

##### *Amendment*

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable

national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information. *Nevertheless, the same relevant protections for providers and users granted in the Regulation (EU) .../... [proposed Regulation addressing the dissemination of terrorist content online] should be provided here in order to ensure equivalent rules and protections for all types of content and information covered by such orders. This includes the ability of a provider to challenge an order before its Digital Services Coordinator of establishment and to seek a decision as to the effect to be given to the order. Digital Services Coordinator of establishment should be able to take a decision to suspend or limit the application of the order, where it views it as in conflict with Union or its national law.*

Or. en

#### **Amendment 328**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

#### **Proposal for a regulation**

##### **Recital 30**

###### *Text proposed by the Commission*

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific

###### *Amendment*

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, **including the EU Charter on Fundamental Rights and** in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. **The competent authorities of Member States should be able to object to the Board orders to act against illegal content, that they consider are in breach**

types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

*of the Union law, including the Charter. The procedure for objection should be simplified and fast-tracked when such orders are issued from an administrative or judicial authority of a Member State that is under an Article 7 procedure for infringement of European values according to Article 2 of TEU.* The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

Or. en

## **Amendment 329**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

### **Proposal for a regulation**

#### **Recital 30**

*Text proposed by the Commission*

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the

*Amendment*

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the

prohibition *of* general **obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation**. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

prohibition *on Member States to impose a monitoring obligation of a general nature*. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

Or. en

## **Amendment 330**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Recital 30**

##### *Text proposed by the Commission*

(30) Les injonctions d'agir contre un contenu **illicite** ou de fournir des informations devraient être émises dans le respect du droit de l'Union, en particulier du règlement (UE) 2016/679 et de l'interdiction des obligations générales de surveiller les informations ou de rechercher activement les faits ou circonstances

##### *Amendment*

(30) Les injonctions d'agir contre un contenu **illégal** ou de fournir des informations devraient être émises dans le respect du droit de l'Union, en particulier du règlement (UE) 2016/679 et de l'interdiction des obligations générales de surveiller les informations ou de rechercher activement les faits ou circonstances

indiquant une activité **illicite** prévue par le présent règlement. Les conditions et exigences énoncées dans le présent règlement qui s'appliquent aux injonctions d'agir contre des contenus **illicites** sont sans préjudice d'autres actes de l'Union prévoyant des systèmes similaires de lutte contre des types spécifiques de contenus **illicites**, tels que le règlement (UE).../... [proposition de règlement relatif à la prévention de la diffusion de contenus à caractère terroriste en ligne], ou le règlement (UE) 2017/2394 qui confère aux autorités des États membres chargées de faire respecter la législation en matière de protection des consommateurs des pouvoirs spécifiques pour ordonner la fourniture d'informations. De même, les conditions et exigences qui s'appliquent aux injonctions de fournir des informations sont sans préjudice d'autres actes de l'Union prévoyant des règles pertinentes similaires pour des secteurs spécifiques. Ces conditions et exigences devraient être sans préjudice des règles de conservation et de préservation prévues par le droit national applicable, conformément au droit de l'Union, et des demandes de traitement confidentiel concernant la non-divulgation d'informations, émanant des autorités chargées de l'application de la législation.

indiquant une activité **illégal**e prévue par le présent règlement. Les conditions et exigences énoncées dans le présent règlement qui s'appliquent aux injonctions d'agir contre des contenus **illégaux** sont sans préjudice d'autres actes de l'Union prévoyant des systèmes similaires de lutte contre des types spécifiques de contenus **illégaux**, tels que le règlement (UE).../... [proposition de règlement relatif à la prévention de la diffusion de contenus à caractère terroriste en ligne], ou le règlement (UE) 2017/2394 qui confère aux autorités des États membres chargées de faire respecter la législation en matière de protection des consommateurs des pouvoirs spécifiques pour ordonner la fourniture d'informations. De même, les conditions et exigences qui s'appliquent aux injonctions de fournir des informations sont sans préjudice d'autres actes de l'Union prévoyant des règles pertinentes similaires pour des secteurs spécifiques. Ces conditions et exigences devraient être sans préjudice des règles de conservation et de préservation prévues par le droit national applicable, conformément au droit de l'Union, et des demandes de traitement confidentiel concernant la non-divulgation d'informations, émanant des autorités chargées de l'application de la législation.

Or. fr

### **Amendment 331**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

### **Proposal for a regulation**

#### **Recital 31**

*Text proposed by the Commission*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the

*Amendment*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the

applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.

applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity. ***Since intermediaries should not be required to remove information which is legal in their country of establishment, national and Union authorities should be able to order the blocking of content legally published outside the Union only for the territory of the Union where Union law is infringed and for the territory of the issuing Member State where national law is infringed.***

Or. en

## **Amendment 332**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Karen Melchior**

### **Proposal for a regulation**

#### **Recital 31**

*Text proposed by the Commission*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling

*Amendment*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling



the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.

the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute ***manifestly*** illegal content in ***the majority of*** other Member States concerned ***and if the content is illegal within the Member State of establishment of a hosting provider*** and, where relevant, take account of the relevant rules of ***national***, Union law or international law and the interests of international comity.

Or. en

### Amendment 333

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

#### **Proposal for a regulation** **Recital 31**

##### *Text proposed by the Commission*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance,

##### *Amendment*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law ***in conformity with the Union law, including the EU Charter on Fundamental Rights*** enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order



with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.

should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of *national*, Union law or international law and the interests of international comity.

Or. en

**Amendment 334**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) La portée territoriale de ces injonctions d'agir contre un contenu *illicite* devrait être clairement définie sur la base du droit de l'Union ou du droit national applicable en vertu duquel l'injonction est émise et ne devrait pas excéder ce qui est strictement nécessaire pour atteindre les objectifs de cette dernière. À cet égard, l'autorité judiciaire ou administrative nationale qui émet l'injonction devrait mettre en balance l'objectif poursuivi par l'injonction, conformément à la base juridique en vertu de laquelle elle est émise, et les droits et intérêts légitimes de l'ensemble des tiers susceptibles d'être affectés par celle-ci, en particulier leurs droits fondamentaux au titre de la Charte. En outre, lorsque l'injonction se rapportant à une information donnée est susceptible

*Amendment*

(31) La portée territoriale de ces injonctions d'agir contre un contenu *illégal* devrait être clairement définie sur la base du droit de l'Union ou du droit national applicable en vertu duquel l'injonction est émise et ne devrait pas excéder ce qui est strictement nécessaire pour atteindre les objectifs de cette dernière. À cet égard, l'autorité judiciaire ou administrative nationale qui émet l'injonction devrait mettre en balance l'objectif poursuivi par l'injonction, conformément à la base juridique en vertu de laquelle elle est émise, et les droits et intérêts légitimes de l'ensemble des tiers susceptibles d'être affectés par celle-ci, en particulier leurs droits fondamentaux au titre de la Charte. En outre, lorsque l'injonction *judiciaire* se rapportant à une information donnée est

d'avoir des effets au-delà du territoire de l'État membre de l'autorité concernée, cette dernière devrait évaluer si l'information en question est susceptible de constituer un contenu illicite dans d'autres États membres concernés et, le cas échéant, tenir compte des règles pertinentes du droit de l'Union *ou du droit international et des impératifs de la courtoisie internationale*.

susceptible d'avoir des effets au-delà du territoire de l'État membre de l'autorité concernée, cette dernière devrait évaluer si l'information en question est susceptible de constituer un contenu illicite dans d'autres États membres concernés et, le cas échéant, tenir compte des règles pertinentes du droit de l'Union.

Or. fr

### **Amendment 335**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation**

##### **Recital 31**

###### *Text proposed by the Commission*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the *specific* information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.

###### *Amendment*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.

**Amendment 336****Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé****Proposal for a regulation****Recital 32***Text proposed by the Commission*

(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

*Amendment*

(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. ***This information should include the relevant e-mail addresses, telephone numbers, IP addresses and other contact details necessary to ensure such compliance.*** Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

**Amendment 337****Andrea Caroppo, Salvatore De Meo, Carlo Fidanza****Proposal for a regulation****Recital 32***Text proposed by the Commission*

(32) The orders to provide information regulated by this Regulation concern the production of ***specific*** information about

*Amendment*

(32) The orders to provide information regulated by this Regulation concern the production of information about individual

individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. ***This information should include the relevant contact details necessary to ensure such compliance.*** Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

Or. en

### Amendment 338

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### Proposal for a regulation Recital 33

##### *Text proposed by the Commission*

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the

##### *Amendment*

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information ***as defined in Union or national law***, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive

need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders. **Article 3 of Directive 2000/31/EC, however, continues to apply to any other orders related to non-specific individual items of illegal or legal content or information, general orders related to geoblocking of whole websites, webpages, or domains and any other matter which could be seen as restricting the freedom to provide their service across border.**

Or. en

#### **Amendment 339**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

##### **Recital 33**

###### *Text proposed by the Commission*

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the

###### *Amendment*

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information **as defined in Union or national law in conformity with the Union law, including the EU Charter on Fundamental Rights**, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom

need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

Or. en

### Amendment 340

Jean-Lin Lacapelle, Virginie Joron

#### Proposal for a regulation

##### Recital 33

###### *Text proposed by the Commission*

(33) Les injonctions d'agir contre un contenu *illicite* et de fournir des informations ne sont soumises aux règles garantissant la compétence de l'État membre dans lequel le fournisseur de services visé est établi et prévoyant d'éventuelles dérogations à cette compétence dans certains cas, énoncées à l'article 3 de la directive 2000/31/CE, que si les conditions dudit article sont remplies. Dans la mesure où les injonctions en question portent, selon le cas, sur des contenus et sur des éléments d'information *illicites* spécifiques, lorsqu'elles sont adressées à des fournisseurs de services intermédiaires établis dans un autre État membre, elles ne restreignent pas en principe la liberté de ces fournisseurs de fournir leurs services par-delà les frontières. Par conséquent, les règles énoncées à l'article 3 de la directive 2000/31/CE, y compris celles qui concernent la nécessité de justifier les mesures dérogeant à la compétence de l'État membre dans lequel le fournisseur de services est établi pour certains motifs

###### *Amendment*

(33) Les injonctions d'agir contre un contenu *illégal* et de fournir des informations ne sont soumises aux règles garantissant la compétence de l'État membre dans lequel le fournisseur de services visé est établi et prévoyant d'éventuelles dérogations à cette compétence dans certains cas, énoncées à l'article 3 de la directive 2000/31/CE, que si les conditions dudit article sont remplies. Dans la mesure où les injonctions en question portent, selon le cas, sur des contenus et sur des éléments d'information *illégaux* spécifiques, lorsqu'elles sont adressées à des fournisseurs de services intermédiaires établis dans un autre État membre, elles ne restreignent pas en principe la liberté de ces fournisseurs de fournir leurs services par-delà les frontières. Par conséquent, les règles énoncées à l'article 3 de la directive 2000/31/CE, y compris celles qui concernent la nécessité de justifier les mesures dérogeant à la compétence de l'État membre dans lequel le fournisseur de services est établi pour certains motifs

précis et la notification de ces mesures, ne s'appliquent pas à ces injonctions.

précis et la notification de ces mesures, ne s'appliquent pas à ces injonctions.

Or. fr

#### **Amendment 341**

**Marc Angel, Christel Schaldemose, Maria Grapini, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Recital 33**

##### *Text proposed by the Commission*

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not *in principle* restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

##### *Amendment*

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

Or. en

#### **Amendment 342**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret,**



**Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoş Pîslaru, Katalin Cseh**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to **empower** recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

*Amendment*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety, **health** and trust of the recipients of the service, including minors, **women** and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to **provide recourse to** recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Or. en

**Amendment 343**

**Brando Benifei, Christel Schaldemose, Monika Beňová, Marc Angel, Maria Grapini**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market **and** ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to

*Amendment*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market, **and to** ensure a safe and transparent online environment **and a high level of consumer protection**, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services.

guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Those obligations should aim in particular to guarantee different public policy objectives such as the safety, *security* and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Or. en

**Amendment 344**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) A fim de alcançar os objetivos do presente regulamento e, em particular, de melhorar o funcionamento do mercado interno e assegurar um ambiente em linha seguro e transparente, é necessário estabelecer um conjunto claro e equilibrado de obrigações harmonizadas de devida diligência para os prestadores de serviços intermediários. Essas obrigações devem visar, em particular, garantir diferentes objetivos de ordem pública, como a segurança e a confiança dos destinatários do serviço, incluindo utilizadores menores e vulneráveis, proteger os direitos fundamentais em causa consagrados na Carta, assegurar uma responsabilização eficiente desses prestadores e capacitar os destinatários e outras partes afetadas, facilitando simultaneamente a supervisão necessária por parte das autoridades competentes.

*Amendment*

(34) A fim de alcançar os objetivos do presente regulamento e, em particular, de melhorar o funcionamento do mercado interno, assegurar um ambiente em linha seguro e transparente **e uma elevada protecção dos consumidores europeus**, é necessário estabelecer um conjunto claro e equilibrado de obrigações harmonizadas de devida diligência para os prestadores de serviços intermediários. Essas obrigações devem visar, em particular, garantir diferentes objetivos de ordem pública, como a segurança e a confiança dos destinatários do serviço, incluindo utilizadores menores e vulneráveis, proteger os direitos fundamentais em causa consagrados na Carta, assegurar uma responsabilização eficiente desses prestadores e capacitar os destinatários e outras partes afetadas, facilitando simultaneamente a supervisão necessária por parte das autoridades competentes.

**Amendment 345**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Alex Agius Saliba, Brando Benifei, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

*Amendment*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as **health – including mental health**, the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Or. en

**Amendment 346**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Marion Walsmann, Barbara Thaler**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors **and vulnerable users**, protect the relevant fundamental rights enshrined in the Charter, to ensure **meaningful** accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

*Amendment*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should **target illegal content and** aim in particular to guarantee different public policy objectives such as **consumer protection**, the safety and trust of the recipients of the service, including minors, protect the relevant fundamental rights enshrined in the Charter, to ensure accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Or. en

**Amendment 347**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant

*Amendment*

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear, **effective** and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant

fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Or. en

**Amendment 348**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) Afin d’atteindre les objectifs du présent règlement, et notamment d’améliorer le fonctionnement du marché intérieur et de garantir un environnement en ligne sûr et transparent, il est nécessaire d’établir ***un ensemble clair et équilibré d’obligations harmonisées de diligence pour*** les fournisseurs de services intermédiaires. Ces obligations devraient notamment viser à garantir différents objectifs de politique publique, comme celui d’assurer la sécurité et la confiance des bénéficiaires du service, y compris les mineurs et les utilisateurs vulnérables, protéger les droits fondamentaux pertinents inscrits dans la Charte, assurer une véritable responsabilisation de ces fournisseurs et donner les moyens d’agir aux bénéficiaires et autres parties concernées, tout en facilitant la nécessaire surveillance par les autorités compétentes.

*Amendment*

(34) Afin d’atteindre les objectifs du présent règlement, et notamment d’améliorer le fonctionnement du marché intérieur et de garantir un environnement en ligne sûr et transparent, il est nécessaire d’établir ***clairement les obligations légales auxquelles sont soumis*** les fournisseurs de services intermédiaires. Ces obligations devraient notamment viser à garantir différents objectifs de politique publique, comme celui d’assurer la sécurité et la confiance des bénéficiaires du service, y compris les mineurs et les utilisateurs vulnérables, protéger les droits fondamentaux pertinents inscrits dans la Charte, assurer une véritable responsabilisation de ces fournisseurs et donner les moyens d’agir aux bénéficiaires et autres parties concernées, tout en facilitant la nécessaire surveillance par les autorités compétentes.

Or. fr

**Amendment 349**  
**Marco Zullo**

**Proposal for a regulation**  
**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

**(34a) *The lack of clarity in the use of so-called chatbots is capable of causing discomfort in some categories of particularly vulnerable people. Therefore, it should be explicitly indicated when a user interfaces with chatbots, to ensure a safe and transparent online environment.***

Or. en

**Amendment 350**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

**(35) *À cet égard, il est important que les obligations de diligence soient adaptées au type et à la nature du service intermédiaire concerné. Le présent règlement définit donc des obligations de base applicables à tous les fournisseurs de services intermédiaires, ainsi que des obligations supplémentaires pour les fournisseurs de services d'hébergement et, plus particulièrement, les plateformes en ligne et les très grandes plateformes en ligne. Dans la mesure où les fournisseurs de services intermédiaires sont susceptibles d'entrer dans ces différentes catégories en raison de la nature de leurs services et de leur taille, ils doivent se conformer à toutes les obligations correspondantes du présent règlement. Ces obligations harmonisées de diligence, qui doivent être raisonnables et non arbitraires, sont indispensables pour atteindre les objectifs de politique publique définis, tels que la sauvegarde des intérêts légitimes des bénéficiaires du***

***Supprimé***

**Amendment 351**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.

*Amendment*

(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation ***in relations to those services. Services that do not fall within those different categories should not be effected, even when provided by the same provider or under the same ownership structure.*** Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.



**Amendment 352**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

(35) In dat verband is het belangrijk dat de zorgvuldigheidsverplichtingen worden aangepast aan het type en de aard van de betrokken tussenhandelsdienst. Daarom worden in deze verordening basisverplichtingen vastgesteld die van toepassing zijn op alle aanbieders van tussenhandelsdiensten, alsmede aanvullende verplichtingen voor aanbieders van hostingdiensten en, meer in het bijzonder, onlineplatforms en zeer grote onlineplatforms. Voor zover de aanbieders van tussenhandelsdiensten gezien de aard en de omvang van hun diensten tot deze verschillende categorieën kunnen behoren, moeten zij aan alle overeenkomstige verplichtingen van deze verordening voldoen. Deze geharmoniseerde zorgvuldigheidsverplichtingen, die redelijk en niet-arbitrair moeten zijn, zijn nodig om de vastgestelde algemene beleidsbelangen te verwezenlijken, zoals de bescherming van de gerechtvaardigde belangen van de afnemers van de dienst, de aanpak van illegale praktijken en de bescherming van de grondrechten online.

*Amendment*

(35) In dat verband is het belangrijk dat de zorgvuldigheidsverplichtingen worden aangepast aan het type en de aard van de betrokken tussenhandelsdienst. Daarom worden in deze verordening basisverplichtingen vastgesteld die van toepassing zijn op alle aanbieders van tussenhandelsdiensten, alsmede aanvullende verplichtingen voor aanbieders van hostingdiensten en, meer in het bijzonder, onlineplatforms, **zeer grote online platforms** en zeer grote **sociale** onlineplatforms. Voor zover de aanbieders van tussenhandelsdiensten gezien de aard en de omvang van hun diensten tot deze verschillende categorieën kunnen behoren, moeten zij aan alle overeenkomstige verplichtingen van deze verordening voldoen. Deze geharmoniseerde zorgvuldigheidsverplichtingen, die redelijk en niet-arbitrair moeten zijn, zijn nodig om de vastgestelde algemene beleidsbelangen te verwezenlijken, zoals de bescherming van de gerechtvaardigde belangen van de afnemers van de dienst, de aanpak van illegale praktijken en de bescherming van de grondrechten online.

Or. nl

**Amendment 353**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.

*Amendment*

(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature **and size** of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.

Or. en

**Amendment 354**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

***(35a) Similarly, in order to ensure that the obligations are only applied to those providers of intermediary services where the benefit would outweigh the burden on the provider, the Commission should be empowered to issue a waiver to the requirements of Chapter III, in whole or***

*in parts, to those providers of intermediary services that are non-for-profit or equivalent and serve a manifestly positive role in the public interest, or are SMEs without any systemic risk related to illegal content. The providers should present justified reasons for why they should be issued a waiver. The Commission should examine such an application and has the authority to issue or revoke a waiver at any time. The Commission should maintain a public list of all waiver issued and their conditions containing a description on why the provider is justified a waiver.*

Or. en

#### **Amendment 355**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 36**

##### *Text proposed by the Commission*

(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location .

##### *Amendment*

(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. ***This contact point maybe the same contact point as required under other Union acts.*** In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a

physical location .

Or. en

**Amendment 356**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) Om soepele en efficiënte communicatie over zaken die onder deze verordening vallen te vergemakkelijken, moeten aanbieders van tussenhandelsdiensten worden verplicht een enig contactpunt op te richten en relevante informatie over hun contactpunt te publiceren, met inbegrip van de talen die in dergelijke communicatie moeten worden gebruikt. Het contactpunt kan ook worden gebruikt door ***betrouwbare flaggers en door*** beroepsorganisaties die een specifieke relatie hebben met de aanbieder van tussenhandelsdiensten. In tegenstelling tot de wettelijke vertegenwoordiger moet het contactpunt operationele doeleinden dienen en hoeft het niet noodzakelijkerwijs een fysieke locatie te hebben.

*Amendment*

(36) Om soepele en efficiënte communicatie over zaken die onder deze verordening vallen te vergemakkelijken, moeten aanbieders van tussenhandelsdiensten worden verplicht een enig contactpunt op te richten en relevante informatie over hun contactpunt te publiceren, met inbegrip van de talen die in dergelijke communicatie moeten worden gebruikt. Het contactpunt kan ook worden gebruikt door beroepsorganisaties die een specifieke relatie hebben met de aanbieder van tussenhandelsdiensten. In tegenstelling tot de wettelijke vertegenwoordiger moet het contactpunt operationele doeleinden dienen en hoeft het niet noodzakelijkerwijs een fysieke locatie te hebben.

Or. nl

**Amendment 357**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) In order to facilitate smooth and efficient communications relating to

*Amendment*

(36) In order to facilitate smooth and efficient communications relating to

matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by *trusted flaggers and by* professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location .

matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location .

Or. en

#### **Amendment 358**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Marion Walsmann, Andrea Caroppo, Barbara Thaler**

#### **Proposal for a regulation Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36a) Providers of intermediary services should also establish a single point of contact for recipients of services, allowing rapid, direct and efficient communication.***

Or. en

#### **Amendment 359**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

#### **Proposal for a regulation Recital 37**

*Text proposed by the Commission*

*Amendment*

(37) Providers of intermediary services

(37) Providers of intermediary services

that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with.

that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with. *Where providers of intermediary services that are established in a third country chooses not to do not, it becomes subject to the jurisdiction of all Member States, in accordance with Article 40(3).*

Or. en

#### **Amendment 360**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

#### **Proposal for a regulation Recital 37**

##### *Text proposed by the Commission*

(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with.

##### *Amendment*

(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with. *In addition, recipients of intermediary services should be able to hold the legal representative liable for*

*non-compliance.*

Or. en

**Amendment 361**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) Aanbieders van tussenhandelsdiensten die in een derde land zijn gevestigd en die diensten in de Unie aanbieden, moeten een wettelijke vertegenwoordiger met voldoende bevoegdheden in de Unie aanwijzen en informatie over hun wettelijke vertegenwoordigers verstrekken, zodat effectief toezicht op en, indien nodig, handhaving van deze verordening met betrekking tot deze aanbieders mogelijk is. De wettelijke vertegenwoordiger zou ook als contactpunt moeten kunnen fungeren, mits aan de relevante eisen van deze verordening is voldaan.

*Amendment*

(37) Aanbieders van tussenhandelsdiensten die in een derde land zijn gevestigd en die diensten in de Unie aanbieden, moeten *op duurzame wijze* een wettelijke vertegenwoordiger met voldoende bevoegdheden in de Unie aanwijzen en informatie over hun wettelijke vertegenwoordigers verstrekken, zodat effectief toezicht op en, indien nodig, handhaving van deze verordening met betrekking tot deze aanbieders mogelijk is. De wettelijke vertegenwoordiger zou ook als contactpunt moeten kunnen fungeren, mits aan de relevante eisen van deze verordening is voldaan.

Or. nl

**Amendment 362**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms

*Amendment*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms



and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes.

and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes.

***Obligations related to terms and conditions should not oblige a provider of an intermediary service to disclose information that will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets or intellectual property rights.***

Or. en

### **Amendment 363**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### **Proposal for a regulation**

#### **Recital 38**

#### *Text proposed by the Commission*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes.

#### *Amendment*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes. ***At the same time, recipients should enter into such agreements willingly without any misleading or coercive tactics and therefore a ban on dark patterns should be introduced.***

Or. en

### **Amendment 364**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes.

*Amendment*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes. ***To this end, the use of algorithmic decision-making processes should be disclosed to users whenever they are employed.***

Or. en

**Amendment 365**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) Hoewel de contractvrijheid van de aanbieders van tussenhandelsdiensten in beginsel moet worden geëerbiedigd, zouden bepaalde regels moeten worden vastgesteld met betrekking tot de inhoud, de toepassing en de handhaving van de algemene voorwaarden van deze aanbieders in het belang van de transparantie, de bescherming van de afnemers van de dienst en het voorkomen van oneerlijke of willekeurige resultaten.

*Amendment*

(38) Hoewel de contractvrijheid van de aanbieders van tussenhandelsdiensten in beginsel moet worden geëerbiedigd, zouden bepaalde regels moeten worden vastgesteld met betrekking tot de inhoud, de toepassing en de handhaving van de algemene voorwaarden van deze aanbieders in het belang van de ***bescherming van de grondrechten, in het bijzonder de vrijheid van meningsuiting en van informatie***, transparantie, de bescherming van de afnemers van de dienst en het voorkomen van oneerlijke of willekeurige resultaten.

Or. nl

## Amendment 366

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 38

##### *Text proposed by the Commission*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes.

##### *Amendment*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of **discriminatory**, unfair or arbitrary outcomes.

Or. en

##### *Justification*

*Technical change, brought in line with the corresponding Article 12.*

## Amendment 367

Geert Bourgeois

### Proposal for a regulation

#### Recital 38 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**(38 bis) Zeer grote sociale onlineplatforms spelen een essentiële rol in het maatschappelijk debat. Zij kunnen worden beschouwd als de post- en brievenbussen van deze tijd. Wie van dit handvol platforms wordt gebannen, wordt in belangrijke mate monddood gemaakt. Het hoort niet aan deze platforms de vrijheid te laten naar eigen oordeel te censureren, al dan niet door geautomatiseerde systemen, waardoor zij**

*het publieke debat (bewust of onbewust) in een bepaalde richting kunnen sturen. Bovendien heeft de praktijk uitgewezen dat inhoudsmoderatie door geautomatiseerde systemen ongevoelig is voor context en al te vaak komaf maakt met humor, satire, ironie, wettige vormen van protest en politieke opinies. Om de vrijheid van meningsuiting en van informatie te waarborgen is het noodzakelijk in een uitzondering te voorzien op de contractvrijheid van deze aanbieders van tussenhandelsdiensten. Aan zeer grote sociale onlineplatforms moet een universele dienstverplichting worden opgelegd. Deze platforms moeten in beginsel eenieder toelaten om op hun platform inhoud te plaatsen en te ontvangen. Zij verwijderen op eigen initiatief enkel manifest illegale inhoud die verband houdt met ernstige misdrijven. De universele dienst wordt verleend zonder enige vorm van discriminatie. Eventuele tarieven voor het gebruik van de universele dienst zijn objectief, transparant, niet-discriminerend en billijk.*

Or. nl

**Amendment 368**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Recital 38 a (new)**

*Text proposed by the Commission*

*Amendment*

*(38a) While an additional requirement should apply to very large online platform, all providers should do a general self-assessment of potential risk related to their services, especially in relations with minors and should take voluntary mitigation measures where*

*appropriate. In order to ensure that the provider undertakes these actions, Digital Services Coordinators may ask for proof.*

Or. en

### Amendment 369

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### Proposal for a regulation

#### Recital 39

#### *Text proposed by the Commission*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.<sup>40</sup>

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

#### *Amendment*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC<sup>40</sup> ***which do not also qualify as very large online platforms. In any public versions of such reports, providers of intermediary services should remove any information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions.***

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

## Amendment 370

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 39

##### *Text proposed by the Commission*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- *or small* enterprises as defined in Commission Recommendation 2003/361/EC.<sup>40</sup>

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

##### *Amendment*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report *in a standardised and machine-readable format*, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro enterprises as defined in Commission Recommendation 2003/361/EC<sup>40</sup>, *or as a not-for-profit service with fewer than 100.000 monthly active users*.

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

##### *Justification*

*Under the German NetzDG, transparency reports have proven to be close to meaningless as researchers are not able to compare and analyse them. Therefore, any transparency reporting obligations should be published in a format that is harmonised via a common standard and be machine-readable.*

## Amendment 371

Jean-Lin Lacapelle, Virginie Joron

## Proposal for a regulation

### Recital 39

#### *Text proposed by the Commission*

(39) En vue de garantir un niveau adéquat de transparence et de responsabilité, les fournisseurs de services intermédiaires devraient faire rapport chaque année, conformément aux exigences harmonisées contenues dans le présent règlement, sur la modération des contenus à laquelle ils procèdent, **y compris les mesures prises dans le cadre de l'application et du contrôle de l'application de leurs conditions générales**. Toutefois, afin de ne pas imposer de charges disproportionnées, les obligations relatives à ces rapports de transparence ne devraient pas s'appliquer aux fournisseurs qui sont des microentreprises ou des petites entreprises telles que définies dans la recommandation 2003/361/CE de la Commission<sup>40</sup>.

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<sup>40</sup> Recommandation 2003/361/CE de la Commission du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises (JO L 124 du 20.5.2003, p. 36).

#### *Amendment*

(39) En vue de garantir un niveau adéquat de transparence et de responsabilité, les fournisseurs de services intermédiaires devraient faire rapport chaque année, conformément aux exigences harmonisées contenues dans le présent règlement, sur la modération des contenus à laquelle ils procèdent. Toutefois, afin de ne pas imposer de charges disproportionnées, les obligations relatives à ces rapports de transparence ne devraient pas s'appliquer aux fournisseurs qui sont des microentreprises ou des petites entreprises telles que définies dans la recommandation 2003/361/CE de la Commission<sup>40</sup>.

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<sup>40</sup> Recommandation 2003/361/CE de la Commission du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises (JO L 124 du 20.5.2003, p. 36).

Or. fr

## Amendment 372

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

## Proposal for a regulation

### Recital 39

#### *Text proposed by the Commission*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually

#### *Amendment*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually



report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- *or* small enterprises as defined in Commission Recommendation 2003/361/EC.<sup>40</sup>

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro, small *or medium sized* enterprises as defined in Commission Recommendation 2003/361/EC.<sup>40</sup>

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

### **Amendment 373**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation** **Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) Recipients of the service should be empowered to make autonomous decisions inter alia regarding the acceptance of and changes to terms and conditions, advertising practices, privacy and other settings, recommender systems when interacting with intermediary services. However, dark patterns typically exploit cognitive biases and prompt online consumers to purchase goods and services that they do not want or to reveal personal information they would prefer not to disclose. Therefore, providers of intermediary services should be prohibited from deceiving or nudging recipients of the service and from subverting or***

*impairing the autonomy, decision-making, or choice of the recipients of the service via the structure, design or functionalities of an online interface or a part thereof ('dark patterns'). This includes, but is not limited to, exploitative design choices to direct the recipient to actions that benefit the provider of intermediary services, but which may not be in the recipients' interests, presenting choices in a non-neutral manner, repetitively requesting or pressuring the recipient to make a decision or hiding or obscuring certain options.*

Or. en

**Amendment 374**  
**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

*(39a) Within the scope of the Digital Services Act, it is of utmost importance to ensure the balance between tackling particular risks of illegal content and guarantee transparency for users, while not completely banning recommender-systems in online advertisement and protecting business secrets and intellectual property, because consumer protection also includes that the diversity of the supply is ensured.*

Or. en

**Amendment 375**  
**Maria Grapini, Andreas Schieder, Marc Angel, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) In order to effectively and meaningfully address the proliferation of illegal goods and services online, intermediary services should implement measures to prevent illicit content from reappearing after having been taken down. Such measures, undertaken horizontally by all intermediary services, will contribute to a safer online environment.***

Or. en

### **Amendment 376**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

### **Proposal for a regulation**

#### **Recital 40**

*Text proposed by the Commission*

*Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place ***easily accessible, comprehensive and*** user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ***following the applicable law*** ('action'). ***Such mechanisms should be clearly***

specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

***visible on the interface of the hosting service and easy to use.*** Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation. ***Providers of hosting services could, as a voluntary measure, conduct own-investigation measures to prevent content which has previously been identified as illegal from being disseminated again once removed. The obligations related to notice and action should by no means impose general monitoring obligations.***

Or. en

#### *Justification*

*To clarify that the obligations related to notice and action should not impose general monitoring or any type of stay-down mechanism.*



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **377 - 498**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0418/2020 – 2020/0361(COD))



## Amendment 377

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Laurence Farreng

### Proposal for a regulation

#### Recital 40

##### *Text proposed by the Commission*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

##### *Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

***Furthermore, the notice and action mechanism should be complemented by 'stay down' provisions whereby providers of hosting services should demonstrate their best efforts in order to prevent from reappearing content which is identical to another piece of content that has already been identified and removed by them as illegal. The application of this requirement should not lead to any***



**Amendment 378**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Recital 40**

*Text proposed by the Commission*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

*Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). ***Nonetheless, the provider should have the possibility to reject a given notice if there is another entity with more granular control over the alleged content or the provider has no technical capability to act on a specific content. Therefore, the blocking orders should be considered as a last resort measure and applied only when all other options are exhausted.*** Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising

servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

Or. en

### Amendment 379

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 40

#### *Text proposed by the Commission*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, **regardless of their size**, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

#### *Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). ***Content that has been notified and that is not manifestly illegal should remain accessible while the assessment of its legality by the competent authority is still pending.*** Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. ***Recipients of the service who provided the information to which the notice relates should be given the opportunity to reply before a decision is taken.*** The obligation to put in place notice and action mechanisms should

apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

Or. en

**Amendment 380**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) Aanbieders van hostingdiensten spelen een bijzonder belangrijke rol bij de bestrijding van illegale online-inhoud, aangezien zij informatie die door en op verzoek van de afnemers van de dienst wordt verstrekt, opslaan en doorgaans andere afnemers, soms op grote schaal, toegang tot die informatie verlenen. Het is belangrijk dat alle aanbieders van hostingdiensten, ***ongeacht hun omvang***, gebruikersvriendelijke meldings- en actieprocedures invoeren die de melding van specifieke informatie die door de meldende partij als illegale inhoud wordt beschouwd, aan de betrokken aanbieder van hostingdiensten vergemakkelijken (“melding”), op grond waarvan die aanbieder kan beslissen of hij al dan niet instemt met de beoordeling en bereid is de inhoud te verwijderen of ontoegankelijk te maken (“actie”). Mits aan de vereisten inzake meldingen is voldaan, moet het voor personen of entiteiten mogelijk zijn om meerdere vermeende illegale inhoud via een enkele kennisgeving te melden. De verplichting om meldings- en actieprocedures in te voeren moet bijvoorbeeld gelden voor diensten van opslag en delen van bestanden, webhostingdiensten, reclameservers en pastebins, voor zover zij kunnen worden

*Amendment*

(40) Aanbieders van hostingdiensten spelen een bijzonder belangrijke rol bij de bestrijding van illegale online-inhoud, aangezien zij informatie die door en op verzoek van de afnemers van de dienst wordt verstrekt, opslaan en doorgaans andere afnemers, soms op grote schaal, toegang tot die informatie verlenen. Het is belangrijk dat alle aanbieders van hostingdiensten, ***met uitzondering van micro- of kleine ondernemingen zoals gedefinieerd in Aanbeveling 2003/361/EG van de Commissie***, gebruikersvriendelijke meldings- en actieprocedures invoeren die de melding van specifieke informatie die door de meldende partij als illegale inhoud wordt beschouwd, aan de betrokken aanbieder van hostingdiensten vergemakkelijken (“melding”), op grond waarvan die aanbieder kan beslissen of hij al dan niet instemt met de beoordeling en bereid is de inhoud te verwijderen of ontoegankelijk te maken (“actie”). ***Zeer grote sociale onlineplatforms verwijderen eigenmachtig enkel manifest illegale inhoud die verband houdt met ernstige misdrijven, ook wanneer dit zou volgen op een melding.*** Mits aan de vereisten inzake meldingen is voldaan, moet het voor personen of entiteiten mogelijk zijn om meerdere vermeende illegale inhoud via

aangemerkt als aanbieders van de onder deze verordening vallende hostingdiensten.

een enkele kennisgeving te melden. De verplichting om meldings- en actieprocedures in te voeren moet bijvoorbeeld gelden voor diensten van opslag en delen van bestanden, webhostingdiensten, reclameservers en pastebins, voor zover zij kunnen worden aangemerkt als aanbieders van de onder deze verordening vallende hostingdiensten.

Or. nl

### **Amendment 381**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

#### **Proposal for a regulation**

##### **Recital 40**

###### *Text proposed by the Commission*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services,

###### *Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide, ***based on its own assessment***, whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. ***It may also be possible for online platforms to prevent a content that has already been identified as illegal and that***

advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

*has been removed on the basis of a prior notice, from reappearing.* The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

Or. en

## Amendment 382

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 40

##### *Text proposed by the Commission*

(40) Les fournisseurs de services d'hébergement jouent un rôle particulièrement important dans la lutte contre les contenus *illicites* en ligne, car ils stockent les informations fournies par les bénéficiaires du service et à la demande de ceux-ci, et permettent généralement à d'autres bénéficiaires d'accéder à ces informations, parfois à grande échelle. Il est important que tous les fournisseurs de services d'hébergement, quelle que soit leur taille, mettent en place des mécanismes de notification et d'action faciles à utiliser, qui permettent de notifier aisément au fournisseur de services d'hébergement concerné les éléments d'information spécifiques que la partie notificante considère comme un contenu *illicite* («notification»), notification à la suite de laquelle ce fournisseur peut décider s'il est d'accord ou non avec cette évaluation et s'il souhaite ou non retirer ce contenu ou en rendre l'accès impossible («action»). Pour autant que les exigences relatives aux notifications soient respectées, il devrait être possible à des particuliers ou à des entités de notifier

##### *Amendment*

(40) Les fournisseurs de services d'hébergement jouent un rôle particulièrement important dans la lutte contre les contenus *illégaux* en ligne, car ils stockent les informations fournies par les bénéficiaires du service et à la demande de ceux-ci, et permettent généralement à d'autres bénéficiaires d'accéder à ces informations, parfois à grande échelle. Il est important que tous les fournisseurs de services d'hébergement, quelle que soit leur taille, *à l'exception de ceux jouant un rôle architectural*, mettent en place des mécanismes de notification et d'action faciles à utiliser, qui permettent de notifier aisément au fournisseur de services d'hébergement concerné les éléments d'information spécifiques que la partie notificante considère comme un contenu *illégal* («notification»), notification à la suite de laquelle ce fournisseur peut décider s'il est d'accord ou non avec cette évaluation et s'il souhaite ou non retirer ce contenu ou en rendre l'accès impossible («action»). Pour autant que les exigences relatives aux notifications soient respectées, il devrait être possible à des

plusieurs éléments spécifiques de contenus présumés *illicites* par le biais d'une seule notification. L'obligation de mettre en place des mécanismes de notification et d'action devrait s'appliquer, par exemple, aux services de stockage et de partage de fichiers, aux services d'hébergement de sites internet, aux serveurs de publicité et aux «pastebins», dans la mesure où ils remplissent les conditions requises pour être considérés comme des fournisseurs de services d'hébergement couverts par le présent règlement.

particuliers ou à des entités de notifier plusieurs éléments spécifiques de contenus présumés *illégaux* par le biais d'une seule notification. L'obligation de mettre en place des mécanismes de notification et d'action devrait s'appliquer, par exemple, aux services de stockage et de partage de fichiers, aux services d'hébergement de sites internet, aux serveurs de publicité et aux «pastebins», dans la mesure où ils remplissent les conditions requises pour être considérés comme des fournisseurs de services d'hébergement couverts par le présent règlement.

Or. fr

#### **Amendment 383**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation Recital 40 a (new)**

*Text proposed by the Commission*

*Amendment*

***(40a) Nevertheless, notices should be directed to the actor that has the technical and operational ability to act and the closest relationship to the recipient of the service that provided the information or content, such as to an online platform and not to the hosting service provider on which provides services to that online platform. Such hosting service providers should redirect such notices to the particular online platform and inform the notifying party of this fact.***

Or. en

#### **Amendment 384**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Recital 40 b (new)**

*Text proposed by the Commission*

*Amendment*

***(40b) Moreover, hosting providers should seek to act only against the items of information notified. This may include acts such as disabling hyperlinking to the items of information. Where the removal or disabling of access to individual items of information is technically or operationally unachievable due to legal, contractual, or technological reasons, such as encrypted file and data storage and sharing services, hosting providers should inform the recipient of the service of the notification and seek action. If a recipient fails to act or delays action, or the provider has reason to believe has failed to act or otherwise acts in bad faith, the hosting provider may suspend their service in line with their terms and conditions.***

Or. en

**Amendment 385**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Recital 41**

*Text proposed by the Commission*

*Amendment*

(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of

(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of



the Member State in which those parties are established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.

the Member State in which those parties are established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content. ***Providers of hosting services should act upon notices without undue delay, taking into account the type of illegal content that is being notified and the urgency of taking action. The provider of hosting services should inform the individual or entity notifying the specific content of its decision without undue delay after taking a decision whether to act upon the notice or not.***

Or. en

## **Amendment 386**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Recital 41**

*Text proposed by the Commission*

(41) Il convient que les règles relatives à ces mécanismes de notification et d'action soient harmonisées au niveau de l'Union, de manière à permettre un traitement en temps utile, diligent et objectif des notifications sur la base de règles uniformes, transparentes et claires et qui comportent des garanties solides protégeant les droits et intérêts légitimes de toutes les parties concernées, en particulier

*Amendment*

(41) Il convient que les règles relatives à ces mécanismes de notification et d'action soient harmonisées au niveau de l'Union, de manière à permettre un traitement en temps utile, diligent et objectif des notifications sur la base de règles uniformes, transparentes et claires et qui comportent des garanties solides protégeant les droits et intérêts légitimes de toutes les parties concernées, en particulier

leurs droits fondamentaux garantis par la Charte, indépendamment de l'État membre dans lequel ces parties sont établies ou résident et du domaine juridique en cause. Les droits fondamentaux comprennent, selon le cas, le droit à la liberté d'expression et d'information, le droit au respect de la vie privée et familiale, le droit à la protection des données à caractère personnel, le droit à la non-discrimination et le droit à un recours effectif des bénéficiaires du service; la liberté d'entreprise, y compris la liberté contractuelle, des fournisseurs de services; ainsi que le droit à la dignité humaine, les droits de l'enfant, le droit à la protection de la propriété, y compris la propriété intellectuelle, et le droit à la non-discrimination des parties concernées par un contenu *illicite*.

leurs droits fondamentaux garantis par la Charte, indépendamment de l'État membre dans lequel ces parties sont établies ou résident et du domaine juridique en cause. Les droits fondamentaux comprennent, selon le cas, le droit à la liberté d'expression et d'information, le droit au respect de la vie privée et familiale, le droit à la protection des données à caractère personnel, le droit à la non-discrimination et le droit à un recours effectif des bénéficiaires du service; la liberté d'entreprise, y compris la liberté contractuelle, des fournisseurs de services; ainsi que le droit à la dignité humaine, les droits de l'enfant, le droit à la protection de la propriété, y compris la propriété intellectuelle, et le droit à la non-discrimination des parties concernées par un contenu *illégal*.

Or. fr

#### **Amendment 387**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, either because it is illegal or is not allowed under its terms and conditions, it should do so in a timely manner, taking into account the potential harm the infraction and the technical abilities of the provider. Information that could have a negative effect on minors, women and vulnerable users such as those with protected characteristics under Article 21 of the Charter should be seen as a matter***

*requiring urgency.*

Or. en

## **Amendment 388**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

### **Proposal for a regulation**

#### **Recital 42**

##### *Text proposed by the Commission*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

##### *Amendment*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, ***that have been proven to be efficient, proportionate and reliable***, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress. ***Such an statement, however, should not be required if it relates to spam, manifestly illegal content, removal of content similar or identical to content already removed from the same recipient who has already received a statement or where a provider of hosting service does not have the information necessary to inform the***

*recipient by a durable medium.*

Or. en

## Amendment 389

Carlo Fidanza

### Proposal for a regulation

#### Recital 42

*Text proposed by the Commission*

(42) ***Qualora*** un prestatore di servizi di hosting ***decida*** di rimuovere le informazioni fornite da un destinatario del servizio o di disabilitare l'accesso alle stesse, ***ad esempio*** a seguito del ricevimento di una notifica ***o*** agendo di propria iniziativa, ***anche mediante l'uso di strumenti automatizzati, tale prestatore dovrebbe informare il destinatario della sua decisione, dei motivi della stessa e dei mezzi di ricorso disponibili per contestare la decisione,*** tenuto conto delle conseguenze negative che tali decisioni possono comportare per il destinatario, anche per quanto concerne l'esercizio del suo diritto fondamentale alla libertà di espressione. ***Tale obbligo dovrebbe applicarsi indipendentemente dai motivi della decisione, in particolare a prescindere dal fatto che l'azione sia stata intrapresa perché le informazioni notificate sono considerate*** contenuti illegali ***o incompatibili con le condizioni generali applicabili.*** I mezzi di ricorso disponibili per contestare la decisione del prestatore di servizi di hosting dovrebbero sempre includere il ricorso per via giudiziaria.

*Amendment*

(42) Un prestatore di servizi di hosting ***non dovrebbe decidere autonomamente*** di rimuovere le informazioni fornite da un destinatario del servizio o di disabilitare l'accesso alle stesse, ***né*** a seguito del ricevimento di una notifica, ***né*** agendo di propria iniziativa, tenuto conto delle conseguenze negative che tali decisioni possono comportare per il destinatario, anche per quanto concerne l'esercizio del suo diritto fondamentale alla libertà di espressione, ***a meno che non si tratti di contenuti manifestamente illegali connessi a reati gravi. Anche in quest'ultimo caso*** i mezzi di ricorso disponibili per contestare la decisione del prestatore di servizi di hosting dovrebbero sempre includere il ricorso per via giudiziaria.

Or. it

## Amendment 390

Geert Bourgeois

## Proposal for a regulation

### Recital 42

#### *Text proposed by the Commission*

(42) Wanneer een aanbieder van een hostingdienst besluit de door een afnemer van de dienst verstrekte informatie te verwijderen of ontoegankelijk te maken, bijvoorbeeld na ontvangst van een melding of op eigen initiatief, ook met behulp van geautomatiseerde middelen, moet hij de afnemer in kennis stellen van zijn beslissing, de redenen voor zijn beslissing en de beschikbare verhaalmogelijkheden om de beslissing aan te vechten, gelet op de negatieve gevolgen die dergelijke beslissingen voor de afnemer kunnen hebben, ook wat de uitoefening van zijn grondrecht van vrije meningsuiting betreft. Deze verplichting moet van toepassing zijn ongeacht de redenen voor de beslissing, met name of de actie is ondernomen omdat de gemelde informatie wordt beschouwd als illegale inhoud of als onverenigbaar met de toepasselijke algemene voorwaarden. De beschikbare middelen om de beslissing van de aanbieder van hostingdiensten aan te vechten, moeten altijd gerechtelijke verhaalmogelijkheden omvatten.

#### *Amendment*

(42) Wanneer een aanbieder van een hostingdienst, ***binnen de grenzen van de door deze verordening vastgestelde regels***, besluit de door een afnemer van de dienst verstrekte informatie te verwijderen of ontoegankelijk te maken, bijvoorbeeld na ontvangst van een melding of op eigen initiatief, ook met behulp van geautomatiseerde middelen, moet hij de afnemer in kennis stellen van zijn beslissing, de redenen voor zijn beslissing en de beschikbare verhaalmogelijkheden om de beslissing aan te vechten, gelet op de negatieve gevolgen die dergelijke beslissingen voor de afnemer kunnen hebben, ook wat de uitoefening van zijn grondrecht van vrije meningsuiting betreft. Deze verplichting moet van toepassing zijn ongeacht de redenen voor de beslissing, met name of de actie is ondernomen omdat de gemelde informatie wordt beschouwd als ***manifest illegale inhoud die verband houdt met ernstige misdrijven***, illegale inhoud of als onverenigbaar met de toepasselijke algemene voorwaarden. ***Deze verplichting is niet van toepassing op micro- of kleine ondernemingen zoals gedefinieerd in Aanbeveling 2003/361/EG van de Commissie.*** De beschikbare middelen om de beslissing van de aanbieder van hostingdiensten aan te vechten, moeten altijd gerechtelijke verhaalmogelijkheden omvatten.

Or. nl

### Amendment 391

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

*Amendment*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider ***should prevent future uploads of already notified illegal content resulting from a valid notice and action procedure*** and should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

**Amendment 392**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including

*Amendment*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including

through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

through the use of automated means, that provider should ***prevent the reappearance of the notified or equivalent illegal information.*** ***The provider should also*** inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

### **Amendment 393**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Recital 42**

###### *Text proposed by the Commission*

(42) Lorsqu'un fournisseur de services d'hébergement décide de retirer ou rendre impossible l'accès à des informations fournies par un bénéficiaire du service, par exemple suite à la réception d'une notification ou de sa propre initiative, ***y compris par l'utilisation de moyens automatisés***, il convient que ce fournisseur informe le bénéficiaire de sa décision, des raisons de celle-ci et des possibilités de recours disponibles pour la contester, compte tenu des conséquences négatives que de telles décisions peuvent avoir pour le bénéficiaire, y compris en ce qui concerne l'exercice de son droit

###### *Amendment*

(42) Lorsqu'un fournisseur de services d'hébergement décide de retirer ou rendre impossible l'accès à des informations fournies par un bénéficiaire du service, par exemple suite à la réception d'une notification ou de sa propre initiative, il convient que ce fournisseur informe le bénéficiaire de sa décision, des raisons de celle-ci et des possibilités de recours disponibles pour la contester, compte tenu des conséquences négatives que de telles décisions peuvent avoir pour le bénéficiaire, y compris en ce qui concerne l'exercice de son droit fondamental à la liberté d'expression. Cette obligation



fondamental à la liberté d'expression. Cette obligation devrait s'appliquer quelles que soient les raisons de la décision, en particulier si l'action a été engagée parce que les informations notifiées sont considérées comme un contenu *illicite ou incompatible avec les conditions générales applicables au service*. Les recours disponibles pour contester la décision du fournisseur de services d'hébergement devraient toujours comprendre une voie de recours juridictionnel.

devrait s'appliquer quelles que soient les raisons de la décision, en particulier si l'action a été engagée parce que les informations notifiées sont considérées comme un contenu *illégal*. Les recours disponibles pour contester la décision du fournisseur de services d'hébergement devraient toujours comprendre une voie de recours juridictionnel.

Or. fr

#### Amendment 394

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Laurence Farreng**

#### Proposal for a regulation

##### Recital 42

###### *Text proposed by the Commission*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always

###### *Amendment*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, ***that have been proven to be efficient, proportionate and reliable***, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available

include judicial redress.

recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

## **Amendment 395**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Recital 42**

##### *Text proposed by the Commission*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, ***including through the use of automated means***, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

##### *Amendment*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

## **Amendment 396**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Andrea Caroppo**

**Proposal for a regulation**  
**Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(42a) A hosting service provider may in some instances become aware, for instance through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the hosting service provider is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council. In such instances, the hosting service provider should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by hosting service providers. Hosting service providers should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.***

Or. en

**Amendment 397**  
**Marcel Kolaja**

**Proposal for a regulation  
Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(42a) When moderating content, mechanisms voluntarily employed by platforms should not lead to ex-ante control measures based on automated tools or upload-filtering of content. Automated tools are currently unable to differentiate illegal content from content that is legal in a given context and therefore routinely result in overblocking legal content. Human review of automated reports by service providers or their contractors does not fully solve this problem, especially if it is outsourced to private staff that lack sufficient independence, qualification and accountability. Ex-ante control should be understood as making publishing subject to an automated decision. Filtering automated content submissions such as spam should be permitted. Where automated tools are otherwise used for content moderation the provider should ensure human review and the protection of legal content.***

Or. en

**Amendment 398**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation  
Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(42a) Due to the international nature of many providers of hosting services, many have already implemented similar requirements under the laws of third-party countries. In order to prevent a doubling of requirements and the removal***

*of existing systems for recipients, the Commission should be empowered to declare these mechanisms as ensuring an adequate level of protection and fulfilling the requirements in Article 14 and Article 15.*

Or. en

## Amendment 399

Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso

### Proposal for a regulation

#### Recital 43

#### *Text proposed by the Commission*

(43) Pour éviter d'imposer des contraintes disproportionnées, les obligations supplémentaires imposées aux plateformes en ligne au titre du présent règlement ne devraient pas s'appliquer aux microentreprises ou petites entreprises telles que définies dans la recommandation 2003/361/CE de la Commission,<sup>41</sup> à moins que leur audience et leur poids ne soient tels qu'elles remplissent les critères pour être considérées comme de très grandes plateformes en ligne au titre du présent règlement. Les règles de consolidation énoncées dans cette recommandation contribuent à prévenir tout contournement de ces obligations supplémentaires. Il convient de ne pas considérer que l'exemption de ces obligations supplémentaires; dont bénéficient les microentreprises et petites entreprises, porte atteinte à leur capacité à mettre en place, sur une base volontaire, un système conforme à une ou plusieurs de ces obligations.

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<sup>41</sup> Recommandation 2003/361/CE de la

#### *Amendment*

(43) Pour éviter d'imposer des contraintes disproportionnées, les obligations supplémentaires imposées aux plateformes en ligne au titre du présent règlement ne devraient pas s'appliquer aux microentreprises ou petites entreprises telles que définies dans la recommandation 2003/361/CE de la Commission,<sup>41</sup> ***à l'exception de celles détenues ou contrôlées par des entités établies hors de l'Union européenne***, à moins que leur audience et leur poids ne soient tels qu'elles remplissent les critères pour être considérées comme de très grandes plateformes en ligne au titre du présent règlement. Les règles de consolidation énoncées dans cette recommandation contribuent à prévenir tout contournement de ces obligations supplémentaires. Il convient de ne pas considérer que l'exemption de ces obligations supplémentaires; dont bénéficient les microentreprises et petites entreprises, porte atteinte à leur capacité à mettre en place, sur une base volontaire, un système conforme à une ou plusieurs de ces obligations.

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<sup>41</sup> Recommandation 2003/361/CE de la

Commission du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises (JO L 124 du 20.5.2003, p. 36).

Commission du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises (JO L 124 du 20.5.2003, p. 36).

Or. fr

## Amendment 400

Maria da Graça Carvalho

### Proposal for a regulation

#### Recital 43

##### *Text proposed by the Commission*

(43) Para evitar encargos desproporcionados, as obrigações adicionais impostas às plataformas em linha ao abrigo do presente regulamento não devem aplicar-se às micro *ou* pequenas empresas, tal como definidas na Recomendação 2003/361/CE da Comissão<sup>41</sup>, a menos que o seu alcance e impacto sejam de tal ordem que satisfaçam os critérios para serem consideradas plataformas em linha de muito grande dimensão ao abrigo do presente regulamento. As regras de consolidação previstas nessa recomendação contribuem para assegurar que se evite qualquer possibilidade de contornar essas obrigações adicionais. A isenção dessas obrigações adicionais aplicável às micro *e* pequenas empresas não deve ser entendida como afetando a sua capacidade de criar, numa base voluntária, um sistema que cumpra uma ou mais das obrigações.

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<sup>41</sup> Recomendação 2003/361/CE da Comissão, de 6 de maio de 2003, relativa à definição de micro, pequenas e médias empresas (JO L 124 de 20.5.2003, p. 36).

##### *Amendment*

(43) Para evitar encargos desproporcionados, as obrigações adicionais impostas às plataformas em linha ao abrigo do presente regulamento não devem aplicar-se às micro, pequenas *e médias* empresas, tal como definidas na Recomendação 2003/361/CE da Comissão<sup>41</sup>, a menos que o seu alcance e impacto sejam de tal ordem que satisfaçam os critérios para serem consideradas plataformas em linha de muito grande dimensão ao abrigo do presente regulamento. As regras de consolidação previstas nessa recomendação contribuem para assegurar que se evite qualquer possibilidade de contornar essas obrigações adicionais. A isenção dessas obrigações adicionais aplicável às micro, pequenas *e médias* empresas não deve ser entendida como afetando a sua capacidade de criar, numa base voluntária, um sistema que cumpra uma ou mais das obrigações.

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<sup>41</sup> Recomendação 2003/361/CE da Comissão, de 6 de maio de 2003, relativa à definição de micro, pequenas e médias empresas (JO L 124 de 20.5.2003, p. 36).

Or. pt

## Amendment 401

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### Proposal for a regulation

#### Recital 43

##### *Text proposed by the Commission*

(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro *or* small enterprises as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.

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<sup>41</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

##### *Amendment*

(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro, small *or medium sized* enterprises as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.

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<sup>41</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

## Amendment 402

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Recital 43



*Text proposed by the Commission*

(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro *or small enterprises* as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.

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<sup>41</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

*Amendment*

(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.

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<sup>41</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

**Amendment 403**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation  
Recital 43 a (new)**

*Text proposed by the Commission*

*Amendment*

***(43a) To similarly avoid unnecessary regulatory burdens, certain obligations should not apply to hosting service providers often referred to as closed online platforms where, within the***

*framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.*

Or. en

#### Amendment 404

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### Proposal for a regulation

##### Recital 44

###### *Text proposed by the Commission*

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of out-of-court **dispute** settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the

###### *Amendment*

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of **entering, in good faith, an** out-of-court settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies **located in either the Member State of the recipient or the provider and** that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to

laws of the Member State concerned.

seek judicial redress in accordance with the laws of the Member State concerned.

Or. en

#### **Amendment 405**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Andrea Caroppo, Barbara Thaler**

#### **Proposal for a regulation**

##### **Recital 44**

###### *Text proposed by the Commission*

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, *swift and cost-effective* manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.

###### *Amendment*

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift, *non-discriminatory* and fair outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, *simple, affordable, expedient and accessible* manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.

Or. en

#### **Amendment 406**

**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

*Amendment*

**(46) Tegen illegale inhoud kan sneller en betrouwbaarder worden opgetreden wanneer onlineplatforms de nodige maatregelen nemen om ervoor te zorgen dat meldingen die via de bij deze verordening vereiste meldings- en actiemechanismen door betrouwbare flaggers worden ingediend, met voorrang worden behandeld, onverminderd de verplichting om alle meldingen die in het kader van deze mechanismen worden ingediend, tijdig, zorgvuldig en objectief te verwerken en daarover een besluit te nemen. Een dergelijke status van betrouwbare flagger mag alleen worden toegekend aan entiteiten, en niet aan individuele personen, die onder meer hebben aangetoond dat zij over bijzondere deskundigheid en bekwaamheid beschikken om illegale inhoud aan te pakken, dat zij collectieve belangen vertegenwoordigen en dat zij zorgvuldig en objectief te werk gaan. Deze entiteiten kunnen openbaar van aard zijn zoals, voor terroristische inhoud, eenheden voor melding van internetuitingen van nationale rechtshandhavingsinstanties of van het Agentschap van de Europese Unie voor samenwerking op het gebied van rechtshandhaving (“Europol”), of zij kunnen niet-gouvernementele organisaties en semi-overheidsinstanties zijn, zoals de organisaties die deel uitmaken van het INHOPE-netwerk van meldpunten voor het melden van materiaal over seksueel misbruik van kinderen en organisaties die zich bezighouden met het melden van illegale racistische en xenofobe uitingen online. Voor intellectuele-eigendomsrechten kunnen organisaties van het bedrijfsleven en van houders van rechten de status van betrouwbare flagger krijgen wanneer zij**

**Schrappen**

*hebben aangetoond dat zij aan de toepasselijke voorwaarden voldoen. De regels van deze verordening inzake betrouwbare flaggers mogen niet worden opgevat als een beletsel voor onlineplatforms om meldingen die worden ingediend door entiteiten of personen waaraan op grond van deze verordening niet de status van betrouwbare flagger is toegekend, op soortgelijke wijze te behandelen en om op andere wijze samen te werken met andere entiteiten, overeenkomstig het toepasselijke recht, met inbegrip van deze verordening en Verordening (EU) nr. 2016/794 van het Europees Parlement en de Raad<sup>43</sup>.*

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<sup>43</sup> *Verordening (EU) 2016/794 van het Europees Parlement en de Raad van 11 mei 2016 betreffende het Agentschap van de Europese Unie voor samenwerking op het gebied van rechtshandhaving (Europol) en tot vervanging en intrekking van de Besluiten 2009/371/JBZ, 2009/934/JBZ, 2009/935/JBZ, 2009/936/JBZ en 2009/968/JBZ van de Raad (PB L 135 van 24.5.2016, blz. 53).*

Or. nl

#### **Amendment 407**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation** **Recital 46**

*Text proposed by the Commission*

*Amendment*

**(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this**

**deleted**

*Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>*

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<sup>43</sup> *Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and*

*repealing Council Decisions  
2009/371/JHA, 2009/934/JHA,  
2009/935/JHA, 2009/936/JHA and  
2009/968/JHA, OJ L 135, 24.5.2016, p. 53*

Or. en

**Amendment 408**  
**Carlo Fidanza**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) È possibile contrastare i contenuti illegali in modo più rapido e affidabile laddove le piattaforme online adottino le misure necessarie per provvedere affinché alle notifiche presentate *dai segnalatori attendibili attraverso i meccanismi di notifica e azione prescritti dal presente regolamento sia accordato un trattamento prioritario, fatto salvo l'obbligo di trattare tutte le notifiche presentate nel quadro di tali meccanismi e di decidere in merito ad esse in modo tempestivo, diligente e obiettivo. Tale qualifica di segnalatore attendibile dovrebbe essere riconosciuta soltanto a enti, e non a persone, che hanno dimostrato, tra l'altro, di disporre di capacità e competenze particolari nella lotta ai contenuti illegali, di rappresentare interessi collettivi e di svolgere le proprie attività in modo diligente e obiettivo. Tali enti possono essere di natura pubblica - ad esempio, per i contenuti terroristici, le unità addette alle segnalazioni su Internet delle autorità di contrasto nazionali o dell'Agenzia dell'Unione europea per la cooperazione nell'attività di contrasto ("Europol") - o possono essere organizzazioni non governative e organismi semipubblici, quali le organizzazioni facenti parte della rete di linee di emergenza per la segnalazione di materiale pedopornografico INHOPE e le*

*Amendment*

(46) È possibile contrastare i contenuti illegali *ai sensi del diritto vigente* in modo più rapido e affidabile laddove le piattaforme online adottino le misure necessarie per provvedere affinché alle notifiche presentate *dalle autorità nazionali preposte sia conferito un seguito immediato. Tali autorità devono* essere di natura *esclusivamente* pubblica - ad esempio, per i contenuti terroristici, le unità addette alle segnalazioni su Internet delle autorità di contrasto nazionali o dell'Agenzia dell'Unione europea per la cooperazione nell'attività di contrasto ("Europol").



*organizzazioni impegnate nella notifica dei contenuti razzisti e xenofobi illegali online. Per quanto riguarda i diritti di proprietà intellettuale, la qualifica di segnalatore attendibile potrebbe essere riconosciuta alle organizzazioni del settore e dei titolari dei diritti che abbiano dimostrato di soddisfare le condizioni applicabili. Le norme del presente regolamento relative ai segnalatori attendibili non dovrebbero essere intese nel senso che impediscono alle piattaforme online di riservare un trattamento analogo alle notifiche presentate da enti o persone alle quali non è stata riconosciuta la qualifica di segnalatore attendibile ai sensi del presente regolamento o di cooperare in altri modi con altri enti, conformemente al diritto applicabile, compreso il presente regolamento e il regolamento (UE) 2016/794 del Parlamento europeo e del Consiglio<sup>43</sup>.*

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<sup>43</sup> Regolamento (UE) 2016/794 del Parlamento europeo e del Consiglio, dell'11 maggio 2016, che istituisce l'Agenzia dell'Unione europea per la cooperazione nell'attività di contrasto (Europol) e sostituisce e abroga le decisioni del Consiglio 2009/371/GAI, 2009/934/GAI, 2009/935/GAI, 2009/936/GAI e 2009/968/GAI (GU L 135 del 24.5.2016, pag. 53).

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<sup>43</sup> Regolamento (UE) 2016/794 del Parlamento europeo e del Consiglio, dell'11 maggio 2016, che istituisce l'Agenzia dell'Unione europea per la cooperazione nell'attività di contrasto (Europol) e sostituisce e abroga le decisioni del Consiglio 2009/371/GAI, 2009/934/GAI, 2009/935/GAI, 2009/936/GAI e 2009/968/GAI (GU L 135 del 24.5.2016, pag. 53).

Or. it

#### **Amendment 409**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

#### **Proposal for a regulation**

#### **Recital 46**

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should **only** be awarded to entities, **and not individuals**, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent, **effective** and objective manner. Such trusted flagger status should be awarded to entities, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they **have significant legitimate interest and a proven record in flagging illegal content with a high rate of accuracy and that they have demonstrated their competence in detecting, identifying and notifying illegal content or** represent collective interests **or general interest to prevent infringements of Union law or provide redress** and that they work in a diligent and objective manner. Such entities can **also** be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, **individual right-holders, their representatives, duly mandated third parties** organisations of industry and **other independent entities that have a specific expertise and act in the best interests of** right-holders could be awarded trusted flagger status, where they have

and of the Council.<sup>43</sup>

demonstrated that they meet the applicable conditions. ***The same should be granted to applicants within the meaning of Regulation (EU) No 608/2013 or in case of complaints pursuant to Regulation (EU) 2019/1020 so as to ensure that existing rules regarding custom enforcement or consumer protection are effectively implemented to online sale.*** The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

## **Amendment 410**

**Jiří Pospíšil**

### **Proposal for a regulation**

**Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and

action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective *manner*. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation (‘Europol’) or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective *manner*. ***For swift action against the appearance of illegal content, technological means including application programming interfaces of trusted flaggers shall be put at the service of online platforms.*** Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation (‘Europol’) or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

**Amendment 411**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, ***such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol')*** or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations

network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

## **Amendment 412**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### **Proposal for a regulation Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary



measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the

measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should *normally* only be awarded to *non-governmental* entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities, *however*, can be public in nature *for actions not related to intellectual property rights*, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, *non-governmental* organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the



European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

### **Amendment 413**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 46**

#### *Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be ***public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol')*** or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE

#### *Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent, ***accurate*** and objective manner. Such entities can be non-governmental organisations, ***consumer protection organisations***, and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic ***or discriminatory*** expressions online ***or to***

network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from ***giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise*** cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

***combatting digital violence or supporting victims of digital violence.*** For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions ***and respect for exceptions and limitations to intellectual property rights.*** The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

#### *Justification*

*National and law enforcement authorities should not be awarded Trusted Flagger status since they have their own channels and should not have means to circumvent due process which they are required to follow to prosecute illegal online activity under the rule of law.*

#### **Amendment 414**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation**

#### **Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, ***that they represent collective interests and that they work in a diligent and objective manner***. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, ***have significant legitimate interests, a proven record in flagging content with a high rate of accuracy and have demonstrated competence for the purposes of detecting, identifying and notifying illegal content***. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities,

and of the Council.<sup>43</sup>

in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

**Amendment 415**  
**Brando Benifei, Monika Beňová, Maria Grapini**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law

enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations, *consumer organisations* and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

**Amendment 416**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated ***with priority***, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated ***without delay and in accordance with the rules of the profession but*** without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament



and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

#### **Amendment 417**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Recital 46**

##### *Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, ***that they represent collective interests*** and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement

##### *Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, ***depending on the severity of the illegal activity***, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law



Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic *expressions* online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Enforcement Cooperation ('Europol') or they can be non-governmental organisations and *private or* semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic *content* online. For intellectual property rights, organisations of industry and of *individual* right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

#### **Amendment 418**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

#### **Proposal for a regulation**

#### **Recital 47**

*Text proposed by the Commission*

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in

*Amendment*

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes, ***with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter. Providers of hosting services could, as a voluntary measure, introduce own-investigation measures to prevent accounts which have previously been identified as illegal from reappearing once removed. The obligations related to notice and action should by no means impose general monitoring obligations.*** For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject

Union or national law.

to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

Or. en

**Amendment 419**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) Het misbruik van diensten van onlineplatforms door het vaak aanbieden van kennelijk illegale inhoud of door het vaak indienen van kennelijk ongegronde meldingen of klachten in het kader van de respectieve mechanismen en systemen die krachtens deze verordening zijn ingesteld, ondermijnt het vertrouwen en schaadt de rechten en gerechtvaardigde belangen van de betrokken partijen. Daarom moeten er passende en evenredige waarborgen worden ingevoerd tegen dergelijk misbruik. Informatie moet als kennelijk illegale inhoud worden beschouwd en meldingen of klachten moeten als kennelijk ongegrond worden beschouwd wanneer het voor een leek zonder enig inhoudelijk onderzoek duidelijk is dat de inhoud illegaal is, respectievelijk dat de meldingen of klachten ongegrond zijn. Onder bepaalde voorwaarden moeten onlineplatforms hun relevante activiteiten ten aanzien van de persoon die zich

*Amendment*

(47) Het misbruik van diensten van onlineplatforms door het vaak aanbieden van kennelijk illegale inhoud of door het vaak indienen van kennelijk ongegronde meldingen of klachten in het kader van de respectieve mechanismen en systemen die krachtens deze verordening zijn ingesteld, ondermijnt het vertrouwen en schaadt de rechten en gerechtvaardigde belangen van de betrokken partijen. Daarom moeten er passende en evenredige waarborgen worden ingevoerd tegen dergelijk misbruik. Informatie moet als kennelijk illegale inhoud worden beschouwd en meldingen of klachten moeten als kennelijk ongegrond worden beschouwd wanneer het voor een leek zonder enig inhoudelijk onderzoek duidelijk is dat de inhoud illegaal is, respectievelijk dat de meldingen of klachten ongegrond zijn. Onder bepaalde voorwaarden moeten onlineplatforms hun relevante activiteiten ten aanzien van de persoon die zich

schuldig maakt aan misbruik, tijdelijk opschorten. ***Dit doet*** geen afbreuk aan de vrijheid van de onlineplatforms om hun algemene voorwaarden te bepalen en strengere maatregelen vast te stellen in geval van kennelijk illegale inhoud die verband houdt met ernstige misdrijven. Om redenen van transparantie moet deze mogelijkheid duidelijk en voldoende gedetailleerd worden uiteengezet in de algemene voorwaarden van de onlineplatforms. De beslissingen die in dit verband door de onlineplatforms worden genomen, moeten altijd vatbaar zijn voor verhaal en moeten onder toezicht staan van de bevoegde coördinator voor digitale diensten. De regels van deze verordening inzake misbruik mogen niet verhinderen dat de onlineplatforms andere maatregelen nemen om de verstrekking van illegale inhoud door afnemers van hun diensten of ander misbruik van hun diensten aan te pakken, overeenkomstig het toepasselijke Unierecht en het nationale recht. Deze regels doen geen afbreuk aan de mogelijkheid om personen die zich schuldig maken aan misbruik aansprakelijk te stellen, ook voor schade, voor zover het Unierecht of het nationale recht daarin voorziet.

schuldig maakt aan misbruik, tijdelijk opschorten. ***Zij maken steeds een beoordeling geval per geval, waarbij zij rekening houden met alle relevante feiten en omstandigheden; zeer grote sociale online platforms houden daarbij in het bijzonder rekening met, hoewel niet absoluut, de universele dienstverplichting die in beginsel op hen rust. Onverminderd de universele dienstverplichting waarmee de zeer grote sociale onlineplatforms zijn belast, doet dit*** geen afbreuk aan de vrijheid van de onlineplatforms om hun algemene voorwaarden te bepalen en strengere maatregelen vast te stellen in geval van kennelijk illegale inhoud die verband houdt met ernstige misdrijven. Om redenen van transparantie moet deze mogelijkheid duidelijk en voldoende gedetailleerd worden uiteengezet in de algemene voorwaarden van de onlineplatforms. De beslissingen die in dit verband door de onlineplatforms worden genomen, moeten altijd vatbaar zijn voor verhaal en moeten onder toezicht staan van de bevoegde coördinator voor digitale diensten. De regels van deze verordening inzake misbruik mogen niet verhinderen dat de onlineplatforms, ***binnen de grenzen van de door deze verordening vastgestelde regels***, andere maatregelen nemen om de verstrekking van illegale inhoud door afnemers van hun diensten of ander misbruik van hun diensten aan te pakken, overeenkomstig het toepasselijke Unierecht en het nationale recht. Deze regels doen geen afbreuk aan de mogelijkheid om personen die zich schuldig maken aan misbruik aansprakelijk te stellen, ook voor schade, voor zover het Unierecht of het nationale recht daarin voorziet.

Or. nl

#### **Amendment 420**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

## Proposal for a regulation

### Recital 47

#### *Text proposed by the Commission*

(47) The misuse of services of online platforms by frequently providing ***manifestly*** illegal content or by frequently submitting ***manifestly*** unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. ***Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded.*** Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of ***manifestly*** illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and

#### *Amendment*

(47) The misuse of services of online platforms by frequently providing illegal content or by frequently submitting unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

Or. en

## Amendment 421

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 47

##### *Text proposed by the Commission*

(47) Utiliser de manière abusive les services des plateformes en ligne en fournissant fréquemment des contenus **manifestement illicites** ou en introduisant souvent des notifications ou des réclamations manifestement infondées dans le cadre des mécanismes et systèmes mis en place en vertu du présent règlement nuit à la confiance et porte atteinte aux droits et intérêts légitimes des parties concernées. Il est donc nécessaire de mettre en place des garanties appropriées et proportionnées contre de tels abus. Il convient de considérer des informations comme des contenus **manifestement illicites** et des notifications ou réclamations comme manifestement infondées lorsqu'il est évident pour un profane, sans aucune analyse de fond, que le contenu est **illicite** ou que les notifications ou réclamations sont infondées. Sous certaines conditions, les plateformes en ligne devraient suspendre temporairement leurs activités pertinentes concernant la personne ayant un comportement abusif. ***Cela est sans préjudice de la liberté des plateformes en ligne de déterminer leurs conditions générales et d'établir des mesures plus strictes dans le cas de contenus manifestement illicites liés à des infractions graves. Pour des raisons de***

##### *Amendment*

(47) Utiliser de manière abusive les services des plateformes en ligne en fournissant fréquemment des contenus **illégaux** ou en introduisant souvent des notifications ou des réclamations manifestement infondées dans le cadre des mécanismes et systèmes mis en place en vertu du présent règlement nuit à la confiance et porte atteinte aux droits et intérêts légitimes des parties concernées. Il est donc nécessaire de mettre en place des garanties appropriées et proportionnées contre de tels abus. Il convient de considérer des informations comme des contenus **illégaux lorsqu'elles contreviennent à la loi** et des notifications ou réclamations comme manifestement infondées lorsqu'il est évident pour un profane, sans aucune analyse de fond, que le contenu est **illégal** ou que les notifications ou réclamations sont infondées. Sous certaines conditions, les plateformes en ligne devraient suspendre temporairement leurs activités pertinentes concernant la personne ayant un comportement abusif. Dans le cas ***où la plateforme décide de suspendre des comptes qui touchent à des questions d'intérêt général, tels que les comptes de personnalités politiques ou des candidats à des élections, elle ne peut agir que sur***



**transparence, il convient** que les **conditions générales des plateformes en ligne fassent clairement état, et de manière suffisamment détaillée, de cette possibilité**. Les décisions prises à cet égard par les plateformes en ligne devraient toujours être susceptibles de recours et elles devraient être soumises au contrôle du coordinateur pour les services numériques compétent. Les règles du présent règlement relatives à l'utilisation abusive ne devraient pas empêcher les plateformes en ligne de prendre d'autres mesures pour lutter contre la fourniture de contenus **illicites** par les bénéficiaires de leurs services ou contre tout autre usage abusif de leurs services, conformément au droit de l'Union et au droit national applicables. Ces règles ne portent pas atteinte à la possibilité de tenir les personnes se livrant à une utilisation abusive pour responsables, notamment des dommages, conformément au droit de l'Union ou au droit national.

**injonction judiciaire préalable**. Les décisions prises à cet égard par les plateformes en ligne devraient toujours être susceptibles de recours et elles devraient être soumises au contrôle du coordinateur pour les services numériques compétent. Les règles du présent règlement relatives à l'utilisation abusive ne devraient pas empêcher les plateformes en ligne de prendre d'autres mesures pour lutter contre la fourniture de contenus **illégaux** par les bénéficiaires de leurs services ou contre tout autre usage abusif de leurs services, conformément au droit de l'Union et au droit national applicables. Ces règles ne portent pas atteinte à la possibilité de tenir les personnes se livrant à une utilisation abusive pour responsables, notamment des dommages, conformément au droit de l'Union ou au droit national.

Or. fr

#### Amendment 422

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### Proposal for a regulation Recital 47

*Text proposed by the Commission*

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate **and** proportionate safeguards against such

*Amendment*

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate, proportionate **and effective** safeguards



misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

Or. en

#### **Amendment 423**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Karen Melchior, Laurence Farreng**

#### **Proposal for a regulation**

#### **Recital 47**

*Text proposed by the Commission*

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate **and** proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in

*Amendment*

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate, proportionate **and effective** safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or

Union or national law.

national law.

Or. en

#### **Amendment 424**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

#### **Proposal for a regulation**

#### **Recital 47**

##### *Text proposed by the Commission*

(47) The misuse of services of online platforms by frequently providing **manifestly** illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be **manifestly** illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of **manifestly** illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the

##### *Amendment*

(47) The misuse of services of online platforms by frequently providing **or disseminating** illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject

competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

Or. en

#### **Amendment 425**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec, Andrea Caroppo**

#### **Proposal for a regulation**

#### **Recital 48**

*Text proposed by the Commission*

*Amendment*

***(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in***

*deleted*

*question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.*

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*<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).*

Or. en

*Justification*

*Moved to 42a.*

**Amendment 426**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 48**

*Text proposed by the Commission*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform

*Amendment*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform

is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a *an imminent* threat to the life or safety of person, *notably when it concerns vulnerable users*, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing *upon request* all relevant information available to it, including where relevant the content in question and an explanation of its suspicion *and unless instructed otherwise, should remove or disable the content*. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

#### **Amendment 427**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Recital 48**



*Text proposed by the Commission*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA

*Amendment*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion, ***while ensuring a high level of security of the information concerned in order to protect such information against accidental or unlawful destruction, accidental loss or alteration, or unauthorised or unlawful storage, processing, access or disclosure.*** This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA



*Justification*

*As recommended by the EDPS (opinion par. 61) it should be more clearly established that there is a necessity for keeping data security/privacy issues to a minimum, in line with Article 7 of the repealed Directive 2006/24.*

**Amendment 428**  
**Marion Walsmann**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a *serious* criminal offence *involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council*<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law

*Amendment*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a criminal offence. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

### *Justification*

*Not only serious criminal offence, but also online fraud like unsafe products and counterfeit should be reported.*

#### **Amendment 429**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng, Marco Zullo**

#### **Proposal for a regulation**

##### **Recital 48**

###### *Text proposed by the Commission*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law

###### *Amendment*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, ***notably when it concerns vulnerable users***, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform

enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

## **Amendment 430** **Karen Melchior**

### **Proposal for a regulation** **Recital 48**

#### *Text proposed by the Commission*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal

#### *Amendment*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal

offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

offence involving a threat to the life, **health** or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

**Amendment 431**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

(48) Une plateforme en ligne est susceptible, dans certains cas, d'avoir connaissance, à la suite de la notification d'une partie notifiante ou des mesures qu'elle a elle-même volontairement adoptées, d'informations relatives à certaines activités d'un bénéficiaire du

*Amendment*

(48) Une plateforme en ligne est susceptible, dans certains cas, d'avoir connaissance, à la suite de la notification d'une partie notifiante ou des mesures qu'elle a elle-même volontairement adoptées, d'informations relatives à certaines activités d'un bénéficiaire du

service, telles que la fourniture de certains types de contenus *illicites*, qui donnent lieu à des motifs raisonnables de soupçonner, compte tenu de toutes les circonstances pertinentes dont la plateforme en ligne a connaissance, que le bénéficiaire a pu commettre, peut être en train de commettre ou est susceptible de commettre une infraction pénale grave impliquant une menace pour la vie ou la sécurité des personnes, telles que celles qui sont définies dans la directive 2011/93/UE du Parlement européen et du Conseil<sup>44</sup>. Dans de tels cas, la plateforme en ligne devrait informer sans délai les autorités répressives compétentes de ces soupçons, en fournissant toutes les informations pertinentes dont elle dispose, y compris, le cas échéant, le contenu en question et les motifs donnant naissance à ses soupçons. Le présent règlement ne fournit pas de base juridique pour le profilage des bénéficiaires des services en vue de l'identification éventuelle d'infractions pénales par les plateformes en ligne. Il convient que les plateformes en ligne respectent également les autres règles applicables du droit de l'Union ou du droit national relatives à la protection des droits et libertés des personnes lorsqu'elles informent les services répressifs.

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<sup>44</sup> Directive 2011/93/UE du Parlement européen et du Conseil du 13 décembre 2011 relative à la lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que la pédopornographie et remplaçant la décision-cadre 2004/68/JAI du Conseil (JO L 335 du 17.12.2011, p. 1).

service, telles que la fourniture de certains types de contenus *illégaux*, qui donnent lieu à des motifs raisonnables de soupçonner, compte tenu de toutes les circonstances pertinentes dont la plateforme en ligne a connaissance, que le bénéficiaire a pu commettre, peut être en train de commettre ou est susceptible de commettre une infraction pénale grave impliquant une menace pour la vie ou la sécurité des personnes, telles que celles qui sont définies dans la directive 2011/93/UE du Parlement européen et du Conseil<sup>44</sup>. Dans de tels cas, la plateforme en ligne devrait informer sans délai les autorités répressives compétentes de ces soupçons, en fournissant toutes les informations pertinentes dont elle dispose, y compris, le cas échéant, le contenu en question et les motifs donnant naissance à ses soupçons. Le présent règlement ne fournit pas de base juridique pour le profilage des bénéficiaires des services en vue de l'identification éventuelle d'infractions pénales par les plateformes en ligne. Il convient que les plateformes en ligne respectent également les autres règles applicables du droit de l'Union ou du droit national relatives à la protection des droits et libertés des personnes lorsqu'elles informent les services répressifs.

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<sup>44</sup> Directive 2011/93/UE du Parlement européen et du Conseil du 13 décembre 2011 relative à la lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que la pédopornographie et remplaçant la décision-cadre 2004/68/JAI du Conseil (JO L 335 du 17.12.2011, p. 1).

Or. fr

#### **Amendment 432**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

## Proposal for a regulation

### Recital 48

#### *Text proposed by the Commission*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should inform **without delay** the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

#### *Amendment*

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council<sup>44</sup>. In such instances, the online platform should **promptly** inform the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

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<sup>44</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

### Amendment 433

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng

#### Proposal for a regulation

##### Recital 48 a (new)

*Text proposed by the Commission*

*Amendment*

***(48a) Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it should remove or disable the content and promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all available relevant information.***

Or. en

### Amendment 434

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Tomasz Frankowski

#### Proposal for a regulation

##### Recital 49

*Text proposed by the Commission*

*Amendment*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter ***traders from*** selling products ***or*** services in violation of the applicable rules, online ***platforms allowing consumers to conclude distance contracts with traders*** should ensure that ***such traders*** are traceable. The ***trader*** should therefore be required to provide certain essential information to the online

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers ***and other users***, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter ***the selling and dissemination of*** products ***and*** services in violation of the applicable rules ***all providers of intermediary services, including hosting providers, domain name registrars, providers of content delivery networks, proxy and reverse proxy providers, online marketplaces, online***



platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to *traders* that promote messages on products or services on behalf of brands, based on underlying agreements. *Those online platforms* should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

*payment service providers and online advertising service providers* should ensure that *their business customers* are traceable. The *business customer* should therefore be required to provide certain essential information to the online platform *or provider of intermediary services*, including for purposes of promoting messages on or offering products. That requirement should also be applicable to *business customers* that promote messages on products or services on behalf of brands, based on underlying agreements. *Providers of intermediary services* should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed *and verified*, in accordance with the applicable law, including on the protection of personal data, by *the providers of intermediary services*, public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

Or. en

#### **Amendment 435**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 49**

##### *Text proposed by the Commission*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online *platforms allowing consumers to conclude distance contracts with traders* should ensure that such

##### *Amendment*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online *marketplaces* should ensure that such traders are traceable. The trader should therefore be

traders are traceable. The trader should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online **platforms** should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online **marketplaces** should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary **and no longer than six months after the end of a relationship with the trader**, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate **direct** interest, including through the orders to provide information referred to in this Regulation.

Or. en

## Amendment 436 Marion Walsmann

### Proposal for a regulation Recital 49

#### *Text proposed by the Commission*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online **platforms allowing consumers to conclude distance contracts with traders** should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online **platform**, including for purposes of promoting messages on or offering products. That requirement should also be

#### *Amendment*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online **marketplaces** should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online **marketplace**, including for purposes of promoting messages on **products** or offering products. That requirement should also be applicable to traders that promote messages on

applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

Or. en

#### **Amendment 437**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

#### **Proposal for a regulation**

#### **Recital 49**

##### *Text proposed by the Commission*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online ***platforms allowing consumers to conclude distance contracts with traders*** should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online ***platform***, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not

##### *Amendment*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online ***marketplaces*** should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the ***providers of online marketplaces***, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be

exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

Or. en

**Amendment 438**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

(49) A fim de contribuir para um ambiente em linha seguro, fiável e transparente para os consumidores, bem como para outras partes interessadas, como comerciantes concorrentes e titulares de direitos de propriedade intelectual, e para dissuadir os comerciantes de venderem produtos ou serviços em violação das regras aplicáveis, as plataformas em linha que permitem aos consumidores celebrar contratos à distância com comerciantes devem assegurar que esses comerciantes sejam rastreáveis. Por conseguinte, o comerciante deve ser obrigado a fornecer determinadas informações essenciais à plataforma em linha, inclusive para efeitos de promoção de mensagens sobre produtos ou sobre a oferta de produtos. Este requisito deve igualmente ser aplicável aos comerciantes que promovem mensagens sobre produtos ou serviços em nome de marcas com base em acordos subjacentes. Essas plataformas em linha devem armazenar todas as informações de forma segura durante um período de tempo razoável *que não exceda o necessário*, para que possam ser acedidas, em conformidade com a legislação aplicável, nomeadamente em matéria de proteção de

*Amendment*

(49) A fim de contribuir para um ambiente em linha seguro, fiável e transparente para os consumidores, bem como para outras partes interessadas, como comerciantes concorrentes e titulares de direitos de propriedade intelectual, e para dissuadir os comerciantes de venderem produtos ou serviços em violação das regras aplicáveis, as plataformas em linha que permitem aos consumidores celebrar contratos à distância com comerciantes devem assegurar que esses comerciantes sejam rastreáveis. Por conseguinte, o comerciante deve ser obrigado a fornecer determinadas informações essenciais à plataforma em linha, inclusive para efeitos de promoção de mensagens sobre produtos ou sobre a oferta de produtos. Este requisito deve igualmente ser aplicável aos comerciantes que promovem mensagens sobre produtos ou serviços em nome de marcas com base em acordos subjacentes. Essas plataformas em linha devem armazenar todas as informações de forma segura durante um período de tempo razoável, para que possam ser acedidas, em conformidade com a legislação aplicável, nomeadamente em matéria de proteção de dados pessoais, por autoridades públicas e

dados pessoais, por autoridades públicas e entidades privadas com um interesse legítimo, incluindo através das decisões que ordenam a prestação de informações referidas no presente regulamento.

entidades privadas com um interesse legítimo, incluindo através das decisões que ordenam a prestação de informações referidas no presente regulamento.

Or. pt

#### **Amendment 439**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

***(49a) In order to contribute to a transparent online environment for consumers that supports the green transition, online platforms that allow consumers to conclude distant contracts with traders should provide consumers in real time with clear and unambiguous information on the environmental impact of its products and services, such as the use of sustainable and efficient delivery methods, sustainable and ecological packaging, as well as the environmental costs of returning goods in the event of withdrawal.***

Or. en

#### **Amendment 440** **Marco Zullo**

#### **Proposal for a regulation** **Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

***(49a) It is necessary to combat forms of misleading communication, to ensure a safe and transparent online environment***

*capable of instilling trust in the user. In this regard, the recipient of the service must be able to access the timeline and check for any change to the content with which the user interacts, in particular posts, comments, descriptions or prices of a product.*

Or. en

### *Justification*

*Being able to know how a content has changed over time can help to: (a) limit the spread of fake news that use the technique of attracting consensus on a real-content and then change it to fake-content when the rating has grown ; (b) limit misleading communications about products sold on online platforms by increasing the price compared to the real one only to bring up a higher discount percentage for the sale at a given time.*

### **Amendment 441**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng, Marco Zullo**

### **Proposal for a regulation**

#### **Recital 50**

#### *Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online *platforms* covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online

#### *Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the *providers of online marketplaces* covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the



**platforms** covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such **online platforms**, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. **Such** online **platforms** should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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[https://ec.europa.eu/taxation\\_customs/vies/vieshome.do?selectedLanguage=en](https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en)

<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

**providers of online marketplaces** covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such **providers**, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. **Providers of** online **marketplaces** should also design and organise their online interface in a **user-friendly** way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>. **The online interface should allow traders to provide the information referred to in Article 22a of this Regulation, the information referred to in Article 6 of Directive 2011/83/EU on Consumers Rights, information on sustainability of products, and information allowing for the unequivocal identification of the product or the service, including labelling requirements, in compliance with legislation on product safety and product compliance.**

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[https://ec.europa.eu/taxation\\_customs/vies/vieshome.do?selectedLanguage=en](https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en)

<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council



<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

#### **Amendment 442**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation** **Recital 50**

##### *Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a

##### *Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a

distance, which offer a similar degree of reliability for the purpose of complying with this obligation. **However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties.** Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the

distance, which offer a similar degree of reliability for the purpose of complying with this obligation. Online Platforms **may also ask for support from the Digital Services Coordinator in carrying out these specific obligations. If the trader is established outside the Union and does not cooperate or does not provide sufficient information for the verification of its compliance with the relevant Union or Member State law, this trader should not be admitted to operate and sell its products on the platform. If the trader is already on the platform and should not meet the above criteria, the platform should suspend that trader's account. The trader should be granted the possibility of redress in the event of suspension of the business account.** Online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the

internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

**Amendment 443**  
**Marion Walsmann**

**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online **platforms covered** should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online **platforms covered** should not be required to engage in excessive or costly online fact-finding exercises or to carry out

*Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online **marketplaces** should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. **Additionally this information provided by the trader should be sufficiently specific and supported, where possible, by relevant elements, such**

verifications on the spot. Nor should such online *platforms*, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online *platforms* should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

*as earlier checks by the trader that the products to be sold comply with product safety rules.* However, the online *marketplaces* should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online *marketplaces*, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online *marketplaces* should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

#### **Amendment 444**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Tomasz Frankowski**

#### **Proposal for a regulation**

#### **Recital 50**

##### *Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the **online platforms covered** should make reasonable efforts to verify the reliability of the information provided by **the traders concerned**, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information **Exchange System**<sup>45</sup>, or by requesting **the traders concerned** to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the **online platforms covered** should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such **online platforms**, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such **online platforms** should also design and organise their online interface in a way that

##### *Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the **providers of intermediary services** should make reasonable efforts to verify the reliability of the information provided by **their business customers**, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information **Exchange System**<sup>45</sup>, or by requesting **their business customers** to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the **providers of intermediary services** should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such **providers of intermediary services**, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability **and accuracy** of the information towards consumer or other interested parties. Such **providers of**



enables *traders* to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of *Directive 2005/29/EC* of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

*intermediary services* should **update the information they hold on a risk-sensitive basis, and at least once a year** and also design and organise their online interface in a way that enables **their business customers** to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of *Directive 2005/29/EC* of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

## Amendment 445

Arba Kokalari, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera

### Proposal for a regulation

#### Recital 50

##### *Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article

##### *Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup> ***and the Union Rapid Alert System for dangerous non-food products (Rapex)*** or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7



3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup> .

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup> .

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

#### **Amendment 446**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Recital 50**

*Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online **platforms** covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online **platforms** covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online **platforms**, which have made *the reasonable* efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online **platforms** should also design and organise their online interface in *a* way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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*Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online **marketplaces** covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online **marketplaces** covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online **marketplaces**, which have made *to the best of their ability as* efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online **marketplaces** should also design and organise their online interface in *an user-friendly* way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

#### **Amendment 447**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Biljana Borzan, Maria-Manuel Leitão-Marques, Brando Benifei, Monika Beňová**

#### **Proposal for a regulation Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

***(50a) After having obtained the necessary contact information of a trader, which are aimed at ensuring consumer rights, a provider of intermediary services needs to verify that these details are consistently being updated and accessible***

*for consumers. Therefore, it shall conduct regular and randomized checks on the information provided by the traders on its platform. To ensure a consistent display of these contact information, intermediary services should establish mandatory designs for the inclusion of these contact information. A content, good or service shall only be displayed after all necessary information are made available by the business user.*

Or. en

#### *Justification*

*The author supports the rapporteurs Amendments 27, 89 & 90, which have included new provisions on the traceability of business customers. However, the author would like to add this recital in line with the changes added in Art. 13a.*

#### **Amendment 448**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

***(50a) The online interface of online marketplace should allow traders to provide the information referred to in Article 22a of this Regulation and any other information where needed and necessary to allow for the unequivocal identification of the product or the service, including labelling requirements, in compliance with legislation on product safety and product compliance. Providers of online marketplaces, when they become aware that a product or services is illegal, should inform recipients who have acquired the product or services through their marketplace of this fact and any possible redress.***

**Amendment 449**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

***(50a) Providers of online marketplaces should demonstrate their best efforts to prevent the dissemination by traders of illegal products and services. In compliance with the no general monitoring principle, providers should inform recipients when the service or product they have acquired through their services is illegal. Once notified of an illegal product or service as foreseen in Article 14, providers of online marketplaces should take effective and proportionate measures to prevent such products or services from reappearing on their online marketplace.***

**Amendment 450**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

***(50a) In the light of effective enforcement of local rules to combat long-term rental housing shortages and to limit short-term holiday rentals, as was justified in the Cali Apartments case (cases C-724/18 and C-727/18), all natural or legal persons renting out short-***

*term holiday rentals shall be subject to the obligations under Article 22 of this Regulation.*

Or. en

#### **Amendment 451**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Recital 51**

##### *Text proposed by the Commission*

(51) Compte tenu des responsabilités et obligations particulières des plateformes en ligne, il convient de les soumettre à des obligations en matière de rapports de transparence, qui s'appliquent en sus des obligations en matière de rapports de transparence imposées à tous les fournisseurs de services intermédiaires en vertu du présent règlement. Afin de déterminer si des plateformes en ligne sont susceptibles d'être de très grandes plateformes en ligne soumises à des obligations supplémentaires au sens du présent règlement, les obligations en matière de rapports de transparence applicables aux plateformes en ligne devraient inclure certaines obligations relatives à la publication et à la communication d'informations concernant le nombre mensuel moyen de bénéficiaires actifs du service dans l'Union.

##### *Amendment*

(51) Compte tenu des responsabilités et obligations particulières des plateformes en ligne, il convient de les soumettre à des obligations en matière de rapports de transparence, qui s'appliquent en sus des obligations en matière de rapports de transparence imposées à tous les fournisseurs de services intermédiaires en vertu du présent règlement. Afin de déterminer si des plateformes en ligne sont susceptibles d'être de très grandes plateformes en ligne soumises à des obligations supplémentaires au sens du présent règlement, les obligations en matière de rapports de transparence applicables aux plateformes en ligne devraient inclure certaines obligations relatives à la publication et à la communication d'informations concernant le nombre mensuel moyen de bénéficiaires actifs du service dans l'Union *sous contrôle de la Commission.*

Or. fr

#### **Amendment 452**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Recital 51**

*Text proposed by the Commission*

(51) In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active *recipients* of the service in the Union.

*Amendment*

(51) In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active *end users* of the service in the Union.

Or. en

**Amendment 453**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Recital 52**

*Text proposed by the Commission*

***(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive***

*Amendment*

***deleted***



*2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.*

Or. en

*Justification*

*In line with the new Article, it has been moved up to recital 39a new.*

**Amendment 454**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Recital 52**

*Text proposed by the Commission*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the

*Amendment*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the

services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. ***The parameters should include, if applicable, the optimisation goal selected by the advertiser, information on the use of custom lists, information on the use of lookalike audiences and in such case – relevant information on the seed audience and an explanation why the recipient of the advertisement has been determined to be part of the lookalike audience, meaningful information about the online platform’s algorithms or other tools used to optimise the delivery of the advertisement, including a specification of the optimisation goal and a meaningful explanation of reasons why the online platform has decided that the optimisation goal can be achieved by displaying the advertisement to this recipient.*** The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making,

including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

#### **Amendment 455**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Recital 52**

##### *Text proposed by the Commission*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal **or otherwise harmful** content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations

##### *Amendment*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. **Online advertising is a significant source of financing for many digital business models and an effective tool to reach new customers, not least for small- and medium sized companies.** However, **there are some instances when** online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. **To ensure consumer protection online advertisement should be subject to proportionate and meaningful transparency obligations.** In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that

of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

#### **Amendment 456**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 52**

##### *Text proposed by the Commission*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content,

##### *Amendment*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content,

to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have ***an easy access to*** information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

#### **Amendment 457**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Recital 52**

*Text proposed by the Commission*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

*Amendment*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have ***an easy access to*** information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en



## Amendment 458

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 52

##### *Text proposed by the Commission*

(52) La publicité en ligne joue un rôle important dans l'environnement en ligne, notamment en ce qui concerne la fourniture des services des plateformes en ligne. Cependant, la publicité en ligne peut présenter des risques importants, qu'il s'agisse de messages publicitaires constituant eux-mêmes un contenu *illicite*, de la contribution à des incitations financières à la publication ou l'amplification de contenus et d'activités *illicites* ou autrement préjudiciables en ligne, ou encore de l'affichage discriminatoire de publicités ayant une incidence sur l'égalité de traitement et des chances des citoyens. Outre les exigences découlant de l'article 6 de la directive 2000/31/CE, il convient donc que les plateformes en ligne soient tenues de veiller à ce que les bénéficiaires du service disposent de certaines informations individualisées nécessaires pour leur permettre de comprendre quand et pour le compte de qui la publicité est affichée. De plus, les bénéficiaires du service devraient disposer d'informations relatives aux principaux paramètres utilisés pour déterminer qu'une publicité donnée a vocation à leur être présentée, accompagnées d'explications judicieuses sur la logique utilisée à cette fin, notamment lorsque celle-ci est fondée sur le profilage. Les exigences du présent règlement concernant la fourniture d'informations relatives à la publicité sont sans préjudice de l'application des dispositions pertinentes du règlement (UE) 2016/679, en particulier des dispositions relatives au droit d'opposition à la prise de

##### *Amendment*

(52) La publicité en ligne joue un rôle important dans l'environnement en ligne, notamment en ce qui concerne la fourniture des services des plateformes en ligne. Cependant, la publicité en ligne peut présenter des risques importants, qu'il s'agisse de messages publicitaires constituant eux-mêmes un contenu *illégal*, de la contribution à des incitations financières à la publication ou l'amplification de contenus et d'activités *illégaux* ou autrement préjudiciables en ligne, ou encore de l'affichage discriminatoire de publicités ayant une incidence sur l'égalité de traitement et des chances des citoyens. Outre les exigences découlant de l'article 6 de la directive 2000/31/CE, il convient donc que les plateformes en ligne soient tenues de veiller à ce que les bénéficiaires du service disposent de certaines informations individualisées nécessaires pour leur permettre de comprendre quand et pour le compte de qui la publicité est affichée. De plus, les bénéficiaires du service devraient disposer d'informations relatives aux principaux paramètres utilisés pour déterminer qu'une publicité donnée a vocation à leur être présentée, accompagnées d'explications judicieuses sur la logique utilisée à cette fin, notamment lorsque celle-ci est fondée sur le profilage. Les exigences du présent règlement concernant la fourniture d'informations relatives à la publicité sont sans préjudice de l'application des dispositions pertinentes du règlement (UE) 2016/679, en particulier des dispositions relatives au droit d'opposition à la prise de



décision individuelle automatisée, y compris le profilage, et en particulier à la nécessité d'obtenir le consentement de la personne concernée avant de traiter des données à caractère personnel à des fins de publicité ciblée. De même, elles sont sans préjudice des dispositions prévues par la directive 2002/58/CE, notamment des dispositions qui concernent le stockage d'informations dans les équipements terminaux et l'accès aux informations qui y sont stockées.

décision individuelle automatisée, y compris le profilage, et en particulier à la nécessité d'obtenir le consentement de la personne concernée avant de traiter des données à caractère personnel à des fins de publicité ciblée. De même, elles sont sans préjudice des dispositions prévues par la directive 2002/58/CE, notamment des dispositions qui concernent le stockage d'informations dans les équipements terminaux et l'accès aux informations qui y sont stockées.

Or. fr

## Amendment 459

Barbara Thaler, Arba Kokalari

### Proposal for a regulation

#### Recital 52

##### *Text proposed by the Commission*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining *that specific* advertising is to be displayed to

##### *Amendment*

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have *necessary* information on the main parameters used *in general* for determining *which* advertising is to be

them, providing meaningful explanations of the logic used to that end, **including when this is based on profiling**. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

displayed to them, providing meaningful explanations of the **general** logic used to that end. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

#### **Amendment 460**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

***(52a) A core part of an online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of***

*certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, online platforms should ensure that recipients can understand how recommender system impact the way information is displayed, and can influence how information is presented to them. They should clearly present the parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters. Options not based on profiling of the recipient should be available and used by default.*

Or. en

#### *Justification*

*This recital is in line with the new Article 24a new on recommender systems for online platforms.*

#### **Amendment 461**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Maria Grapini, Biljana Borzan, Maria-Manuel Leitão-Marques, Paul Tang, Tiemo Wölken, Monika Beňová**

#### **Proposal for a regulation Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

*(52a) The market position of very large online platforms allows them to collect and combine enormous amounts of personal data, thereby strengthening their market position vis-a-vis smaller competitors, while at the same time incentivising other online platforms to take part in comparable data collection practices and thus creating an unfavourable environment for consumers. Therefore, the collecting and further processing of personal data for the*

*purpose of displaying tailored advertisement should be prohibited. The selection of advertisements shown to a consumer should consequently be based on contextual information, such as language settings by the device of the user or the digital location. Besides a positive effect on privacy and data protection rights of users, the ban will increase competition on the market and will facilitate market access for smaller online platforms and privacy-friendly business models.*

Or. en

**Amendment 462**  
**Ramona Strugariu, Vlad-Marius Botoș**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

*(52a) Very large online platforms using recommendation systems should be bound by the obligation to promote the reliability of information (due prominence obligation), by implementing mechanisms that refer to a self-regulatory standard, highlighting information sources that respect standardized professional and ethical self-regulatory standards, such platforms should in turn give them preferential treatment by prioritizing their content; a must-carry obligation should ensure that recommender systems display information from trustworthy sources, such as public authorities, scientific sources or public interest journalism as first results following search queries in areas of public interests;*

Or. en

**Amendment 463**  
**Marco Zullo**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

***(52a) Given the necessity to increase the transparency of online advertising and to combat scams and hidden marketing techniques, influencers and other actors should communicate in a clear, intelligible and visible way at the beginning of the post whether they were paid, directly or indirectly, or received free products for that post.***

Or. en

**Amendment 464**  
**Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**  
**Recital 52 b (new)**

*Text proposed by the Commission*

*Amendment*

***(52b) Providers of public interest journalism should be identified through voluntary, self-regulatory European standards or European standardisation deliverables as defined by Regulation (EU) No 1025/2012 of the European Parliament and of the Council ('technical standards'), transparently developed, governed and enforced and such standards must be based on internationally accepted best-practices and ethical norms;***

Or. en

**Amendment 465**  
**Evelyne Gebhardt, Maria Grapini, Biljana Borzan, Maria-Manuel Leitão-Marques,**

**Andreas Schieder, Paul Tang, Tiemo Wölken, Monika Beňová**

**Proposal for a regulation**

**Recital 52 b (new)**

*Text proposed by the Commission*

*Amendment*

**(52b) *The ban on targeted advertising should not hinder contextual advertisement, such as the displaying of a car advertisement on a website presenting information from the automotive sector.***

Or. en

**Amendment 466**

**Geert Bourgeois**

**Proposal for a regulation**

**Recital 53**

*Text proposed by the Commission*

*Amendment*

(53) Gezien het belang van zeer grote onlineplatforms vanwege hun bereik, dat met name wordt uitgedrukt in het aantal afnemers van de dienst, voor het bevorderen van het publieke debat, economische transacties en de verspreiding van informatie, meningen en ideeën, en voor het beïnvloeden van de wijze waarop afnemers informatie online verkrijgen en doorgeven, is het noodzakelijk deze platforms specifieke verplichtingen op te leggen, naast de verplichtingen die van toepassing zijn op alle onlineplatforms. Deze aanvullende verplichtingen voor zeer grote onlineplatforms zijn nodig om algemene beleidsbelangen aan te pakken, aangezien er geen alternatieve en minder beperkende maatregelen zijn waarmee hetzelfde resultaat daadwerkelijk zou kunnen worden bereikt.

(53) Gezien het belang van zeer grote onlineplatforms vanwege hun bereik, dat met name wordt uitgedrukt in het aantal afnemers van de dienst, voor het bevorderen van het publieke debat, economische transacties en de verspreiding van informatie, meningen en ideeën, en voor het beïnvloeden van de wijze waarop afnemers informatie online verkrijgen en doorgeven, is het noodzakelijk deze platforms specifieke verplichtingen op te leggen, naast de verplichtingen die van toepassing zijn op alle onlineplatforms. Deze aanvullende verplichtingen voor zeer grote onlineplatforms zijn nodig om algemene beleidsbelangen aan te pakken, aangezien er geen alternatieve en minder beperkende maatregelen zijn waarmee hetzelfde resultaat daadwerkelijk zou kunnen worden bereikt. ***Ze******er grote sociale onlineplatforms zijn een subcategorie van zeer grote onlineplatforms, die mensen hoofdzakelijk gebruiken om een sociaal netwerk en sociale relaties uit te bouwen.***

*Gezien de essentiële rol die deze zeer grote sociale onlineplatforms spelen in het publieke debat en sociale verkeer, is het noodzakelijk aan deze platforms een universele dienstverplichting op te leggen, aanvullend aan de verplichtingen die voor alle zeer grote onlineplatforms gelden.*

Or. nl

**Amendment 467**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**

**Recital 53**

*Text proposed by the Commission*

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.

*Amendment*

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, ***including regarding misleading information or any other types of harmful content*** there being no alternative and less restrictive measures that would effectively achieve the same result.

Or. en

**Amendment 468**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**



**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of **recipients** of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.

*Amendment*

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of **active end users** of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.

Or. en

**Amendment 469**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately **negative** impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number

*Amendment*

(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses **could** have a disproportionately impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number

equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.

equivalent to 10% of the Union population. ***Accordingly, the number of average monthly recipients of the service should reflect the recipients actually reached by the service either by being exposed to content or by providing content disseminated on the platforms' interface in that period of time.*** The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. ***The threshold should be designed to target the largest platforms with a reach in the Union that could lead to a systemic impact.*** Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means, ***placing such due diligence obligations on smaller companies, especially micro, small and medium sized companies would be disproportionate.***

Or. en

#### *Justification*

*Clarifying that the scope for Very Large Online Platforms should not be broadened to include smaller platforms, as this would be disproportionate.*

#### **Amendment 470**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Recital 54**

###### *Text proposed by the Commission*

(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the

###### *Amendment*

(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the

Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.

Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. ***The determination of this operational threshold, therefore, should only take into those recipients which are physical persons residing in the Union or physical persons acting on behalf of a legal person established in the Union. Automated bots, fake accounts, indirect hyperlinking, FTP or other indirect downloading of content should not be included in the determination of this threshold being exceed.*** The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.

Or. en

## Amendment 471

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Recital 54

##### *Text proposed by the Commission*

(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of ***recipients*** exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population.

##### *Amendment*

(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses ***may*** have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of ***active end users*** exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union

The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.

population. The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. ***In the process of establishing the methodology to calculate the total number of active end users, the Commission should take due account of the different type of platforms and their operations, as well as the potential need for the end user to register, engage in transaction or content in order to be considered as an active end user.*** Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.

Or. en

#### **Amendment 472**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Recital 54**

##### *Text proposed by the Commission*

(54) Les très grandes plateformes en ligne peuvent engendrer des risques sociétaux, qui diffèrent, par leur ampleur et leur incidence, de ceux qui sont imputables aux plateformes de plus petite taille. Lorsque le nombre de bénéficiaires d'une plateforme représente une part significative de la population de l'Union, les risques systémiques présentés par la plateforme produisent des effets négatifs disproportionnés dans l'Union. On peut considérer qu'une audience significative est atteinte lorsque le nombre des bénéficiaires dépasse un seuil opérationnel fixé à 45 millions, c'est-à-dire un nombre équivalent à 10 % de la population de l'Union. Le seuil opérationnel devrait être maintenu à jour par des modifications adoptées, le cas échéant, par voie d'actes délégués. Ces très grandes plateformes en ligne devraient

##### *Amendment*

(54) Les très grandes plateformes en ligne peuvent engendrer des risques sociétaux, qui diffèrent, par leur ampleur et leur incidence, de ceux qui sont imputables aux plateformes de plus petite taille. Lorsque le nombre de bénéficiaires d'une plateforme représente une part significative de la population de l'Union, les risques systémiques présentés par la plateforme produisent des effets négatifs disproportionnés dans l'Union. On peut considérer qu'une audience significative est atteinte lorsque le nombre des bénéficiaires dépasse un seuil opérationnel fixé à 45 millions, c'est-à-dire un nombre équivalent à 10 % de la population de l'Union ***et lorsque les plateformes en ligne enregistrent un chiffre d'affaires annuel de plus de 100 millions d'euros dans le monde.*** Le seuil opérationnel devrait être

donc être soumises aux normes les plus strictes en matière de diligence raisonnable, proportionnellement à leur effet sociétal et à leurs moyens.

maintenu à jour par des modifications adoptées, le cas échéant, par voie d'actes délégués. Ces très grandes plateformes en ligne devraient donc être soumises aux normes les plus strictes en matière de diligence raisonnable, proportionnellement à leur effet sociétal et à leurs moyens.

Or. fr

### *Justification*

*Les plateformes à but non lucratif comme Telegram, Signal ou DuckDuckGo ne peuvent être considérées comme de très grandes plateformes en ligne, sous peine de devoir changer leurs modèles jusqu'ici commerciaux.*

### **Amendment 473**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

### **Recital 56**

#### *Text proposed by the Commission*

(56) Les très grandes plateformes en ligne sont utilisées d'une manière qui a une influence considérable sur la sécurité en ligne, sur la formation de l'opinion publique et du discours, ainsi que sur le commerce en ligne. La façon dont elles conçoivent leurs services est généralement optimisée au bénéfice de leurs modèles économiques souvent axés sur la publicité et peut susciter des préoccupations sociétales. En l'absence d'une réglementation et de mesures d'application efficaces, elles peuvent fixer les règles du jeu, sans identifier ni atténuer efficacement les risques et le préjudice sociétal et économique qu'elles sont susceptibles de causer. En vertu du présent règlement, les très grandes plateformes en ligne devraient donc évaluer les risques systémiques découlant du fonctionnement et de l'utilisation de leur service, ainsi que des abus potentiels par les bénéficiaires du service, et prendre des mesures

#### *Amendment*

(56) Les très grandes plateformes en ligne sont utilisées d'une manière qui a une influence considérable sur la sécurité en ligne, sur la formation de l'opinion publique et du discours, ainsi que sur le commerce en ligne. La façon dont elles conçoivent leurs services est généralement optimisée au bénéfice de leurs modèles économiques souvent axés sur la publicité et peut susciter des préoccupations sociétales. En l'absence d'une réglementation et de mesures d'application efficaces, elles peuvent fixer les règles du jeu, sans identifier ni atténuer efficacement les risques et le préjudice sociétal et économique qu'elles sont susceptibles de causer. En vertu du présent règlement, les très grandes plateformes en ligne devraient donc évaluer, ***sous le contrôle de la Commission et du Comité européen des services numériques***, les risques systémiques découlant du fonctionnement et de l'utilisation de leur service, ainsi que

d'atténuation appropriées.

des abus potentiels par les bénéficiaires du service, et prendre des mesures d'atténuation appropriées.

Or. fr

#### Amendment 474

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

#### Proposal for a regulation

##### Recital 56

###### *Text proposed by the Commission*

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The **way they** design their services is generally optimised to benefit their often advertising-driven business models and can **cause societal concerns. In the absence of** effective regulation and enforcement, **they can set the rules of the game, without** effectively **identifying and mitigating** the risks and the societal and economic harm **they can cause**. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

###### *Amendment*

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The design **of** their services is generally optimised to benefit their often advertising-driven business models and can **sometimes amplify the dissemination of illegal content**. Effective regulation and enforcement **is needed to** effectively **identify and mitigate** the risks and the societal and economic harm **that may arise**. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

Or. en

#### Amendment 475

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### Proposal for a regulation

##### Recital 57



(57) **Three** categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, *for example*, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid

(57) **Five** categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the ***intended use and*** misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products ***and illegally traded animals***. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise in relation to ***technology design choices such as*** the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the ***intended use of, malfunctioning of, as well as the*** intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors ***or other vulnerable groups***, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices, ***including***



and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

***undisclosed commercial communications published by recipients of the service that are not marketed, sold or arranged by the online platform.*** Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions. ***A fourth category concerns negative societal effects of technology design, value chain and business-model choices in relation to systemic risks that represent threats to democracy. A fifth category concerns environmental risks such as high electricity and water consumption, heat production and CO2 emissions related to the provision of the service and technical infrastructure or to user behaviour modification with a direct environmental impact, such as directing users to choose less sustainable options when it comes to delivery or packaging.***

Or. en

#### **Amendment 476**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Recital 57**

##### *Text proposed by the Commission*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by

##### *Amendment*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by

Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech *or* hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Union or national law, including counterfeit products *or the display of copyright-infringing content*. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech, hampering competition *or the way platforms' terms and conditions including content moderation policies, are enforced, including through automatic means. With respect to this category of risks, a particular attention should be paid to the detrimental effect of intimidation of independent press and the harassment of journalists, in particular women who are more often victims of hateful speech and online threats. These should be considered systemic risk as referred to in Article 26 as they pose threat to democratic values, media freedom, freedom of expression and information, and should be subject to dedicated mitigating measures as referred to in Article 27, and priority notice through trusted flaggers as referred to in Article 19*. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, *fundamental rights*, civic discourse, electoral processes, public security and

protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

#### **Amendment 477**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 57**

##### *Text proposed by the Commission*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as

##### *Amendment*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as

protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition ***or misuse the way platforms' terms and conditions, including content moderation policies, are enforced, often through automatic means.*** A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, ***fundamental rights***, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

#### **Amendment 478**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoș Pîslaru, Katalin Cseh**

#### **Proposal for a regulation**

#### **Recital 57**

*Text proposed by the Commission*

(57) Three categories of systemic risks should be assessed in-depth. A first

*Amendment*

(57) Three categories of systemic risks should be assessed in-depth. A first

category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination, ***the right to gender equality*** and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service ***through the submission of abusive notices***, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's

**Amendment 479**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Recital 57**

*Text proposed by the Commission*

(57) Trois catégories de risques systémiques devraient être évaluées de manière approfondie. Dans la première catégorie figurent les risques associés à l'usage abusif de leur service par la diffusion de contenus *illicites*, tels que la diffusion de matériel pédopornographique ou de discours de haine illégaux, et la poursuite d'activités illégales, telles que la vente de produits ou de services interdits par le droit de l'Union ou le droit national, y compris des produits de contrefaçon. Par exemple, et sans préjudice de la responsabilité personnelle du bénéficiaire du service de très grandes plateformes en ligne du fait de l'éventuelle illégalité de son activité au regard du droit applicable, cette diffusion ou ces activités peuvent constituer un risque systémique important lorsque l'accès à ce contenu peut être amplifié par l'intermédiaire de comptes ayant une audience particulièrement étendue. La deuxième catégorie concerne l'incidence du service sur l'exercice des droits fondamentaux, tels que protégés par la Charte des droits fondamentaux, y compris la liberté d'expression et d'information, le droit à la vie privée, le droit à la non-discrimination et les droits de l'enfant. De tels risques peuvent découler, par exemple, de la conception des systèmes algorithmiques utilisés par la très grande plateforme en ligne ou de l'usage abusif de ses services par la soumission de notifications abusives ou d'autres

*Amendment*

(57) Trois catégories de risques systémiques devraient être évaluées de manière approfondie. Dans la première catégorie figurent les risques associés à l'usage abusif de leur service par la diffusion de contenus *illégaux*, tels que la diffusion de matériel pédopornographique ou de discours de haine illégaux, et la poursuite d'activités illégales, telles que la vente de produits ou de services interdits par le droit de l'Union ou le droit national, y compris des produits de contrefaçon. Par exemple, et sans préjudice de la responsabilité personnelle du bénéficiaire du service de très grandes plateformes en ligne du fait de l'éventuelle illégalité de son activité au regard du droit applicable, cette diffusion ou ces activités peuvent constituer un risque systémique important lorsque l'accès à ce contenu peut être amplifié par l'intermédiaire de comptes ayant une audience particulièrement étendue. La deuxième catégorie concerne l'incidence du service sur l'exercice des droits fondamentaux, tels que protégés par la Charte des droits fondamentaux, y compris la liberté d'expression et d'information, le droit à la vie privée, le droit à la non-discrimination et les droits de l'enfant. De tels risques peuvent découler, par exemple, de la conception des systèmes algorithmiques utilisés par la très grande plateforme en ligne ou de l'usage abusif de ses services par la soumission de notifications abusives ou d'autres



méthodes visant à empêcher la liberté d'expression ou à entraver la concurrence. La troisième catégorie de risques concerne la manipulation intentionnelle et, souvent, coordonnée du service de la plateforme, avec un effet prévisible sur la santé, le discours civique, les processus électoraux, la sécurité publique et la protection des mineurs, eu égard à la nécessité de préserver l'ordre public, de protéger la vie privée et de lutter contre les pratiques commerciales frauduleuses et trompeuses. Ces risques peuvent résulter, par exemple, de la création de faux comptes, de l'utilisation de robots et d'autres comportements automatisés ou partiellement automatisés, susceptibles de conduire à la diffusion rapide et généralisée d'informations qui constituent un contenu *illicite ou sont incompatibles avec les conditions générales d'une plateforme en ligne*.

méthodes visant à empêcher la liberté d'expression ou à entraver la concurrence. La troisième catégorie de risques concerne la manipulation intentionnelle et, souvent, coordonnée du service de la plateforme, avec un effet prévisible sur la santé, le discours civique, les processus électoraux, la sécurité publique et la protection des mineurs, eu égard à la nécessité de préserver l'ordre public, de protéger la vie privée et de lutter contre les pratiques commerciales frauduleuses et trompeuses. Ces risques peuvent résulter, par exemple, de la création de faux comptes, de l'utilisation de robots et d'autres comportements automatisés ou partiellement automatisés, susceptibles de conduire à la diffusion rapide et généralisée d'informations qui constituent un contenu *illégal*.

Or. fr

**Amendment 480**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Recital 57**

*Text proposed by the Commission*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible

*Amendment*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products, *and illegally traded animals*. For example, and without prejudice to the personal responsibility of the recipient of the service of very large



illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

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Or. en

#### **Amendment 481**

**Brando Benifei, Christel Schaldemose, Monika Beňová, Marc Angel, Maria Grapini**

#### **Proposal for a regulation**

#### **Recital 57**

*Text proposed by the Commission*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid

*Amendment*

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including **unsafe, counterfeit or non-compliant** products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid

and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

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Or. en

#### **Amendment 482**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 58**

##### *Text proposed by the Commission*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should

##### *Amendment*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, ***prevent the manipulation and exploitation of the service, including by the amplification of content which is counter to their terms and conditions,*** adapting their decision-making processes, or adapting their terms and conditions ***and content moderation policies and how those policies are enforced, while being fully transparent to the users.*** They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources, ***including by displaying related public service advertisements instead of other commercial advertisements.*** Very large online platforms may reinforce their internal processes or supervision of any of

respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

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Or. en

**Amendment 483**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Recital 58**

*Text proposed by the Commission*

(58) Zeer grote onlineplatforms moeten de nodige middelen inzetten om de bij de risicobeoordeling vastgestelde systeemrisico's zorgvuldig te beperken. Deze onlineplatforms moeten in het kader van dergelijke beperkende maatregelen bijvoorbeeld overwegen het ontwerp en de werking van hun inhoudsmoderatie, algoritmische aanbevelingssystemen en online-interfaces te verbeteren of anderszins aan te passen, zodat zij de verspreiding van illegale inhoud ontmoedigen en beperken, door hun

*Amendment*

(58) Zeer grote onlineplatforms moeten de nodige middelen inzetten om de bij de risicobeoordeling vastgestelde systeemrisico's zorgvuldig te beperken. Deze onlineplatforms moeten in het kader van dergelijke beperkende maatregelen bijvoorbeeld overwegen het ontwerp en de werking van hun inhoudsmoderatie, algoritmische aanbevelingssystemen en online-interfaces te verbeteren of anderszins aan te passen, zodat zij de verspreiding van illegale inhoud ontmoedigen en beperken, door hun

besluitvormingsprocessen of hun algemene voorwaarden aan te passen. Zij kunnen ook corrigerende maatregelen omvatten, zoals het stopzetten van reclame-inkomsten voor bepaalde inhoud, of andere acties, zoals het verbeteren van de zichtbaarheid van gezaghebbende informatiebronnen. Zeer grote onlineplatforms kunnen hun interne processen of het toezicht op een van hun activiteiten versterken, met name wat de detectie van systeemrisico's betreft. Ook kunnen zij ***een samenwerking aangaan of versterken met betrouwbare flaggers, opleidingen en uitwisselingen organiseren met organisaties van betrouwbare flaggers, en*** samenwerken met andere dienstverleners, onder meer door bestaande gedragscodes of andere zelfregulerende maatregelen in gang te zetten of te onderschrijven. Alle vastgestelde maatregelen moeten voldoen aan de zorgvuldigheidseisen van deze verordening en doeltreffend en passend zijn om de vastgestelde specifieke risico's te beperken, in het belang van de bescherming van de openbare orde, de bescherming van de persoonlijke levenssfeer en de bestrijding van frauduleuze en misleidende handelspraktijken, en moeten evenredig zijn met het oog op de economische capaciteit van het zeer grote onlineplatform en de noodzaak om onnodige beperkingen op het gebruik van hun dienst te vermijden, waarbij terdege rekening moet worden gehouden met mogelijke negatieve gevolgen voor de grondrechten van de afnemers van de dienst.

besluitvormingsprocessen of hun algemene voorwaarden aan te passen. Zij kunnen ook corrigerende maatregelen omvatten, zoals het stopzetten van reclame-inkomsten voor bepaalde inhoud, of andere acties, zoals het verbeteren van de zichtbaarheid van gezaghebbende informatiebronnen. Zeer grote onlineplatforms kunnen hun interne processen of het toezicht op een van hun activiteiten versterken, met name wat de detectie van systeemrisico's betreft. Ook kunnen zij samenwerken met andere dienstverleners, onder meer door bestaande gedragscodes of andere zelfregulerende maatregelen in gang te zetten of te onderschrijven. Alle vastgestelde maatregelen moeten voldoen aan de zorgvuldigheidseisen van deze verordening en doeltreffend en passend zijn om de vastgestelde specifieke risico's te beperken, in het belang van de bescherming van de openbare orde, de bescherming van de persoonlijke levenssfeer en de bestrijding van frauduleuze en misleidende handelspraktijken, en moeten evenredig zijn met het oog op de economische capaciteit van het zeer grote onlineplatform en de noodzaak om onnodige beperkingen op het gebruik van hun dienst te vermijden, waarbij terdege rekening moet worden gehouden met mogelijke negatieve gevolgen voor de grondrechten van de afnemers van de dienst, ***in het bijzonder de vrijheid van meningsuiting en van informatie. Dergelijke maatregelen mogen geen afbreuk doen aan de universele dienstverplichting waarmee zeer grote sociale onlineplatforms zijn belast. Deze zeer grote sociale onlineplatforms laten in beginsel eenieder toe om op hun platform inhoud te plaatsen en te ontvangen. Deze platforms verwijderen op eigen initiatief enkel manifest illegale inhoud die verband houdt met ernstige misdrijven.***

Or. nl

## Amendment 484

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Laurence Farreng

### Proposal for a regulation

#### Recital 58

##### *Text proposed by the Commission*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large

##### *Amendment*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content ***and intentional manipulation and exploitation of the service, including amplification of harmful content***, adapting their decision-making processes, or adapting their terms and conditions, ***as well as making content moderation policies and the way they are enforced fully transparent for the users***. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the



online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

#### **Amendment 485**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

##### **Recital 58**

###### *Text proposed by the Commission*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also *initiate or*

###### *Amendment*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also cooperate



***increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and*** cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

**Amendment 486**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 58**

*Text proposed by the Commission*

(58) Les très grandes plateformes en ligne devraient déployer les moyens nécessaires pour atténuer avec diligence les risques systémiques identifiés dans l'évaluation des risques. Dans le cadre de ces mesures d'atténuation, elles devraient envisager, par exemple, d'améliorer ou d'adapter la conception et le fonctionnement de leurs systèmes de modération de contenu, de recommandation algorithmique et de leurs interfaces en ligne de manière à décourager et à limiter la diffusion de contenus ***illicites***; ou encore de modifier leurs processus décisionnels ***ou d'adapter leurs***

*Amendment*

(58) Les très grandes plateformes en ligne devraient déployer les moyens nécessaires pour atténuer avec diligence les risques systémiques identifiés dans l'évaluation des risques. Dans le cadre de ces mesures d'atténuation, elles devraient envisager, par exemple, d'améliorer ou d'adapter la conception et le fonctionnement de leurs systèmes de modération de contenu, de recommandation algorithmique et de leurs interfaces en ligne de manière à décourager et à limiter la diffusion de contenus ***illégaux***; ou encore de modifier leurs processus décisionnels. Elles peuvent

**conditions générales.** Elles peuvent également prendre des mesures correctives consistant par exemple à mettre fin aux revenus publicitaires pour un contenu déterminé, ou à accroître la visibilité des sources d'information faisant autorité. Les très grandes plateformes en ligne peuvent renforcer leurs processus internes ou la surveillance d'une ou plusieurs de leurs activités, notamment en ce qui concerne la détection des risques systémiques. Elles peuvent également mettre en place ou renforcer la coopération avec des signaleurs de confiance, organiser des sessions de formation et des échanges avec des organisations de signaleurs de confiance, et coopérer avec d'autres fournisseurs de services, notamment en mettant en chantier des codes de conduite ou en adhérant à des codes de conduite existants ou à d'autres mesures d'autorégulation. Toute mesure adoptée devrait respecter les exigences de diligence du présent règlement et être efficace et appropriée pour atténuer les risques spécifiques identifiés, dans l'intérêt de la sauvegarde de l'ordre public, de la protection de la vie privée et de la lutte contre les pratiques commerciales frauduleuses et trompeuses, et devrait être proportionnée à la capacité économique de la très grande plateforme en ligne et à la nécessité d'éviter des restrictions superflues à l'utilisation de ses services, en tenant dûment compte des effets négatifs potentiels sur les droits fondamentaux des bénéficiaires du service.

également prendre des mesures correctives consistant par exemple à mettre fin aux revenus publicitaires pour un contenu déterminé, ou à accroître la visibilité des sources d'information faisant autorité. Les très grandes plateformes en ligne peuvent renforcer leurs processus internes ou la surveillance d'une ou plusieurs de leurs activités, notamment en ce qui concerne la détection des risques systémiques. Elles peuvent également mettre en place ou renforcer la coopération avec des signaleurs de confiance, organiser des sessions de formation et des échanges avec des organisations de signaleurs de confiance, et coopérer avec d'autres fournisseurs de services, notamment en mettant en chantier des codes de conduite ou en adhérant à des codes de conduite existants ou à d'autres mesures d'autorégulation. Toute mesure adoptée devrait respecter les exigences de diligence du présent règlement et être efficace et appropriée pour atténuer les risques spécifiques identifiés, dans l'intérêt de la sauvegarde de l'ordre public, de la protection de la vie privée et de la lutte contre les pratiques commerciales frauduleuses et trompeuses, et devrait être proportionnée à la capacité économique de la très grande plateforme en ligne et à la nécessité d'éviter des restrictions superflues à l'utilisation de ses services, en tenant dûment compte des effets négatifs potentiels sur les droits fondamentaux des bénéficiaires du service.

Or. fr

#### **Amendment 487**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **Proposal for a regulation**

#### **Recital 58**

*Text proposed by the Commission*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms *may* reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They *may* also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

*Amendment*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms ***should*** reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They ***should*** also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

## Amendment 488

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Recital 58 a (new)

*Text proposed by the Commission*

*Amendment*

***(58a) Mitigation of risks, which would lead to removal, disabling access to or otherwise interfering with media services and content for which a media service provider holds editorial responsibility, should not be considered reasonable or proportionate.***

Or. en

## Amendment 489

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak

on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 60

*Text proposed by the Commission*

*Amendment*

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaken pursuant to codes of conduct and crises protocols. They should give ***the auditor*** access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaken pursuant to codes of conduct and crises protocols. They should give ***vetted auditors*** access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and

have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

have the necessary expertise in the area of risk management and technical competence to audit algorithms. ***This guarantee should not be a means to circumvent the applicability of audit obligations in this Regulation applicable to very large online platforms.*** *Vetted* auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Or. en

#### **Amendment 490**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

##### **Recital 61**

###### *Text proposed by the Commission*

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board ***without delay***, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any

###### *Amendment*

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation, ***without prejudice to its freedom to conduct a business and, in particular, its ability to design and implement effective measures that are aligned with its specific business model.*** The report should be transmitted to the Digital Services Coordinator of establishment and the Board ***within 30 days following its adoption***, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence

commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

Or. en

#### **Amendment 491**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Recital 61**

##### *Text proposed by the Commission*

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the **Board** without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the

##### *Amendment*

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the **Agency** without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the



conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the *vett*ed auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the *vett*ed auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

Or. en

## Amendment 492

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 61

##### *Text proposed by the Commission*

(61) Le rapport d'audit devrait être étayé, de manière à rendre compte de manière judicieuse des activités entreprises et des conclusions auxquelles elles ont abouti. Il devrait contribuer à nourrir la réflexion sur les mesures prises par la très grande plateforme en ligne pour se conformer à ses obligations au titre du présent règlement et, le cas échéant, suggérer des améliorations de ces mesures. Le rapport devrait être transmis sans délai ***au coordinateur pour les services numériques du pays d'établissement*** et au comité européen des services numériques, avec l'évaluation des risques et les mesures d'atténuation, ainsi que les actions prévues

##### *Amendment*

(61) Le rapport d'audit devrait être étayé, de manière à rendre compte de manière judicieuse des activités entreprises et des conclusions auxquelles elles ont abouti. Il devrait contribuer à nourrir la réflexion sur les mesures prises par la très grande plateforme en ligne pour se conformer à ses obligations au titre du présent règlement et, le cas échéant, suggérer des améliorations de ces mesures. Le rapport devrait être transmis sans délai ***aux coordinateurs, au comité européen des services numériques et à la Commission,*** avec l'évaluation des risques et les mesures d'atténuation, ainsi que les actions prévues par la plateforme pour donner suite aux



par la plateforme pour donner suite aux recommandations de l'audit. Le rapport devrait comprendre un avis d'audit fondé sur les conclusions tirées des éléments probants recueillis dans le cadre de l'audit. Un avis positif devrait être émis lorsque tous les éléments probants montrent que la très grande plateforme en ligne respecte les obligations prévues par le présent règlement ou, le cas échéant, les éventuels engagements qu'elle a pris en vertu d'un code de conduite ou d'un protocole de crise, notamment en identifiant, en évaluant et en atténuant les risques systémiques présentés par son système et ses services. Il convient d'assortir l'avis positif de commentaires lorsque l'auditeur souhaite inclure des observations qui n'ont pas d'incidence importante sur le résultat de l'audit. Un avis négatif devrait être émis lorsque l'auditeur estime que la très grande plateforme en ligne ne respecte pas le présent règlement ou les engagements pris.

recommandations de l'audit. Le rapport devrait comprendre un avis d'audit fondé sur les conclusions tirées des éléments probants recueillis dans le cadre de l'audit. Un avis positif devrait être émis lorsque tous les éléments probants montrent que la très grande plateforme en ligne respecte les obligations prévues par le présent règlement ou, le cas échéant, les éventuels engagements qu'elle a pris en vertu d'un code de conduite ou d'un protocole de crise, notamment en identifiant, en évaluant et en atténuant les risques systémiques présentés par son système et ses services. Il convient d'assortir l'avis positif de commentaires lorsque l'auditeur souhaite inclure des observations qui n'ont pas d'incidence importante sur le résultat de l'audit. Un avis négatif devrait être émis lorsque l'auditeur estime que la très grande plateforme en ligne ne respecte pas le présent règlement ou les engagements pris.

Or. fr

### **Amendment 493**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Recital 61 a (new)**

*Text proposed by the Commission*

*Amendment*

***(61a) In order to ensure a participative and inclusive approach and address societal concerns raised by the services of very large online platforms, it is necessary to set up a European Social Media Council at Union level. The transparency, inclusiveness and independence of the Council ensures that decisions on content moderation are shaped by a diverse range of expertise and perspectives. The Council should support the Agency and the Commission by issuing policy and***

*implementation recommendations and help platforms improving and adjusting content moderation practices under terms and conditions. The Council should consist of independent experts, representatives of the recipients of the service, representatives of groups potentially impacted by their services, and civil society organisations. While not legally binding, the Councils' recommendations will yield effective outcomes, incorporating a wider and more diverse range of inputs to societal challenges that very large online platforms may pose. Its strength and efficiency is based on voluntary compliance by platforms, whose commitment will be to respect and execute the Council's recommendations in good faith. In order to function efficiently, the Council and its members should have sufficient human, material and financial resources at their disposal.*

Or. en

#### **Amendment 494**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Recital 62**

*Text proposed by the Commission*

*Amendment*

*(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such*

*deleted*

*recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.*

Or. en

#### *Justification*

*This recital is being moved up to a new recital 52a new.*

#### **Amendment 495**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

#### **Proposal for a regulation**

#### **Recital 62**

##### *Text proposed by the Commission*

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such

##### *Amendment*

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such

recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. ***Moreover, these recommender systems can also impact media consumption and cultural practices of users, and may risk locking them into a bubble without providing them with the possibility to open up to other content.*** Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

Or. en

#### **Amendment 496**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

#### **Proposal for a regulation**

#### **Recital 62**

##### *Text proposed by the Commission*

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information,

##### *Amendment*

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information,

distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. ***Often, they facilitate the search for relevant content for recipients of the service and contribute to an improved user experience.*** They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them ***through making active choices.*** They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them ***and why.*** They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

Or. en

## **Amendment 497**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Recital 62**

##### *Text proposed by the Commission*

(62) La manière dont les informations sont hiérarchisées et présentées sur l'interface en ligne d'une très grande plateforme afin de faciliter et d'optimiser l'accès aux informations pour les bénéficiaires du service revêt une importance capitale pour les activités de la plateforme. Cela consiste, par exemple, à suggérer, classer et hiérarchiser les

##### *Amendment*

(62) La manière dont les informations sont hiérarchisées et présentées sur l'interface en ligne d'une très grande plateforme afin de faciliter et d'optimiser l'accès aux informations pour les bénéficiaires du service revêt une importance capitale pour les activités de la plateforme. Cela consiste, par exemple, à suggérer, classer et hiérarchiser les

informations de manière algorithmique, en les distinguant par le texte ou par d'autres représentations visuelles, ou en organisant de toute autre manière les informations fournies par les bénéficiaires. Ces systèmes de recommandation peuvent avoir une incidence significative sur la capacité des bénéficiaires à récupérer les informations en ligne et à interagir avec elles. Ils jouent également un rôle important dans l'amplification de certains messages, la diffusion virale de l'information et la stimulation du comportement en ligne. Par conséquent, les très grandes plateformes en ligne devraient garantir que les bénéficiaires sont informés de manière appropriée et peuvent influencer les informations qui leur sont présentées. Elles devraient présenter clairement les principaux paramètres de ces systèmes de recommandation d'une manière facilement compréhensible afin que les bénéficiaires comprennent comment l'information est hiérarchisée à leur intention. Elles devraient également veiller à ce que les bénéficiaires puissent avoir d'autres options concernant les principaux paramètres, notamment des options qui ne relèvent pas du profilage du bénéficiaire.

informations de manière algorithmique, en les distinguant par le texte ou par d'autres représentations visuelles, ou en organisant de toute autre manière les informations fournies par les bénéficiaires. Ces systèmes de recommandation peuvent avoir une incidence significative sur la capacité des bénéficiaires à récupérer les informations en ligne et à interagir avec elles. Ils jouent également un rôle important dans l'amplification de certains messages, la diffusion virale de l'information et la stimulation du comportement en ligne. Par conséquent, les très grandes plateformes en ligne devraient garantir que les bénéficiaires sont informés de manière appropriée et peuvent influencer les informations qui leur sont présentées. Elles devraient présenter clairement les principaux paramètres de ces systèmes de recommandation d'une manière facilement compréhensible afin que les bénéficiaires comprennent comment l'information est hiérarchisée à leur intention. Elles devraient également veiller à ce que les bénéficiaires puissent avoir d'autres options concernant les principaux paramètres, notamment des options qui ne relèvent pas du profilage du bénéficiaire. *Cette option doit être facilement accessible et correspondre à un profil de paramétrage prédéfini.*

Or. fr

#### **Amendment 498**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak, Marcel Kolaja**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Recital 62 a (new)**

*Text proposed by the Commission*

*Amendment*

***(62a) Recommender systems used by very large online platforms pose a particular risk in terms of consumer***

***choice and lock-in effects. Consequently, in addition to the obligations applicable to all online platforms, very large online platforms should offer to the recipients of the service the choice of using recommender systems from third party providers, where available. Such third parties must be offered access to the same operating system, hardware or software features that are available or used in the provision by the platform of its own recommender systems, including through application programming interfaces.***

Or. en

*Justification*

*In line with the IMCO INL (P9\_TA(2020)0272), paragraph 81 and Chapter VII of the Annex.*





**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **499 - 757**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



## Amendment 499

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### Proposal for a regulation

#### Recital 63

##### *Text proposed by the Commission*

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

##### *Amendment*

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned. ***In addition, very large online platforms should label any known deep fake videos, audio or other files.***

Or. en

## Amendment 500

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

### Proposal for a regulation

#### Recital 63

*Text proposed by the Commission*

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

*Amendment*

(63) Advertising systems used by very large online platforms **could** pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

Or. en

**Amendment 501**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Recital 63 a (new)**

*Text proposed by the Commission*

*Amendment*

***(63a) The practice of very large online platforms to associate advertisement with content uploaded by users, could indirectly lead to the promotion of illegal content, or content that is in breach of their terms and conditions and could risk to considerably damage the brand image***

*of the buyers of advertising space. In order to prevent such practice, the very large online platforms should ensure, including through standard contractual guarantees to the buyers of advertising space, that the content to which they associate advertisements is legal, and compliant with their terms and conditions. Furthermore, the very large online platforms should allow advertisers to have access to the results of audits carried out independently and evaluating the commitments and tools of platforms for protecting the brand image of the buyers of advertising space ("brand safety").*

Or. en

## **Amendment 502**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 64**

##### *Text proposed by the Commission*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the **Commission** may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are

##### *Amendment*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the **Agency** may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers, **civil society and media organisations** on the evolution and severity of online systemic risks are

particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the *Commission* and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, *including trade secrets and other confidential information*, of the platform and any other parties concerned, including the recipients of the service.

particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the *Agency* and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers, *not-for-profit bodies, organisations or associations, or media organisations*. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests of the platform and any other parties concerned, including the recipients of the service. *To that end, the Commission should issue regulatory guidance to specify the modalities and safeguards for data access and sharing, and provide platforms with legal certainty while ensuring the independence of the research.*

Or. en

### Amendment 503

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Karen Melchior, Laurence Farreng**

### Proposal for a regulation

#### Recital 64

#### *Text proposed by the Commission*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic

#### *Amendment*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms, *such as the dissemination of illegal and amplification of harmful content* brought about by the platform's

systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Or. en

#### **Amendment 504**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 64**

##### *Text proposed by the Commission*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a

##### *Amendment*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a



requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers, ***which mean the conditions set down in this Regulation***. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Or. en

**Amendment 505**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 64**

*Text proposed by the Commission*

(64) Afin de contrôler de manière appropriée le respect par les très grandes plateformes en ligne des obligations prévues par le présent règlement, ***le coordinateur*** pour les services numériques

*Amendment*

(64) Afin de contrôler de manière appropriée le respect par les très grandes plateformes en ligne des obligations prévues par le présent règlement, ***les coordinateurs*** pour les services

*du pays d'établissement* ou la Commission *peut* exiger l'accès à des données spécifiques ou la communication de celles-ci. Une telle exigence peut porter, par exemple, sur les données nécessaires pour évaluer les risques et les éventuels préjudices causés par les systèmes de la plateforme, les données concernant l'exactitude, le fonctionnement et les tests des systèmes algorithmiques de modération de contenu, des systèmes de recommandation ou des systèmes de publicité, ou encore les données concernant les processus et les résultats de la modération de contenu ou des systèmes internes de traitement des réclamations au sens du présent règlement. Les études réalisées par des chercheurs sur l'évolution et la gravité des risques systémiques en ligne sont particulièrement importantes pour corriger les asymétries d'information et établir un système résilient d'atténuation des risques, informer les plateformes en ligne, les coordinateurs pour les services numériques, les autres autorités compétentes, la Commission et le public. Le présent règlement fournit donc un cadre permettant de garantir aux chercheurs agréés la possibilité d'accéder aux données provenant des très grandes plateformes en ligne. Il convient que l'ensemble des exigences relatives à l'accès aux données en vertu de ce cadre soient proportionnées et protègent de manière appropriée les droits et les intérêts légitimes, y compris les secrets commerciaux et autres informations confidentielles, de la plateforme et de toute autre partie concernée, y compris les bénéficiaires du service.

numériques *des États membres, le Comité européen des services numériques* ou la Commission *peuvent* exiger l'accès à des données spécifiques ou la communication de celles-ci. Une telle exigence peut porter, par exemple, sur les données nécessaires pour évaluer les risques et les éventuels préjudices causés par les systèmes de la plateforme, les données concernant l'exactitude, le fonctionnement et les tests des systèmes algorithmiques de modération de contenu, des systèmes de recommandation ou des systèmes de publicité, ou encore les données concernant les processus et les résultats de la modération de contenu ou des systèmes internes de traitement des réclamations au sens du présent règlement. Les études réalisées par des chercheurs sur l'évolution et la gravité des risques systémiques en ligne sont particulièrement importantes pour corriger les asymétries d'information et établir un système résilient d'atténuation des risques, informer les plateformes en ligne, les coordinateurs pour les services numériques, les autres autorités compétentes, la Commission et le public. Le présent règlement fournit donc un cadre permettant de garantir aux chercheurs agréés la possibilité d'accéder aux données provenant des très grandes plateformes en ligne. Il convient que l'ensemble des exigences relatives à l'accès aux données en vertu de ce cadre soient proportionnées et protègent de manière appropriée les droits et les intérêts légitimes, y compris les secrets commerciaux et autres informations confidentielles, de la plateforme et de toute autre partie concernée, y compris les bénéficiaires du service.

Or. fr

#### **Amendment 506**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec,**

**Barbara Thaler**

**Proposal for a regulation**

**Recital 64**

*Text proposed by the Commission*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. **All requirements** for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

*Amendment*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers, **where relevant to a research project. All requests** for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Or. en

**Amendment 507**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Recital 64 a (new)**

*Text proposed by the Commission*

*Amendment*

***(64 A) O reconhecimento de um relatório de auditoria não deve suspender nem prejudicar a plataforma da sua liberdade legítima de exercer a sua actividade e plano de negócios;***

Or. pt

**Amendment 508**  
**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Biljana Borzan, Maria-Manuel Leitão-Marques, Brando Benifei, Paul Tang, Monika Beňová**

**Proposal for a regulation**  
**Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

***(65a) Due to their market position, very large online platforms have developed an increasing influence over society's social, economic, and political interactions. Consumers face a lock-in situation, which may lead them into accepting unfavourable terms and conditions to participate in the services provided by these very large online platforms. To restore a competitive market and to allow consumers more choices, very large online platforms should be required to setup the necessary technical access points to create interoperability for their core services, with a view to allowing competitors a fairer market access and enabling more choice for consumers, while at the same time complying with privacy, security and safety standards. These access points should create interoperability for other online platform***

*services of the same type, without the need to convert digital content or services to ensure functionality.*

Or. en

**Amendment 509**

**Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**

**Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

*(65a) Any change on the recommender systems used by platforms to suggest, rank and prioritise information can have a dramatic impact on the users, in particular on the media that widely rely on platforms to be accessible to their audience; consequently, providers of online platforms should be transparent about any changes operated in their referencing and recommendation rules, even if made on an experimental basis, and immediately inform the regulators, their users and the authors of referenced content, allowing these changes to be predictable to those affected by them; users should be able to refer to the regulator asking it to give its opinion on the negative impact of changes in the referencing and recommendation rules, allowing it to require the platform to remedy this impact.*

Or. en

**Amendment 510**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 66**

*Text proposed by the Commission*

*Amendment*

**(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.**

*deleted*

Or. en

#### **Amendment 511**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Recital 66**

*Text proposed by the Commission*

*Amendment*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application

programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate. ***However, where no voluntary industry standard is agreed and the Commission finds that the application of this Regulation by providers is significantly divergent, the Commission should be empowered to adopt delegated acts where needed until a voluntary industry standard is agreed.***

Or. en

## Amendment 512

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 66

##### *Text proposed by the Commission*

(66) Pour faciliter l'application efficace et cohérente des obligations prévues par le présent règlement qui peuvent nécessiter une mise en œuvre par des moyens technologiques, il importe de promouvoir des normes sectorielles volontaires portant sur certaines procédures techniques, lorsque le secteur industriel peut contribuer à la mise au point de moyens normalisés pour se conformer au présent règlement, par exemple en autorisant la soumission de notifications, y compris par des interfaces de programmation d'application, ou sur l'interopérabilité des registres de publicités. Ces normes pourraient, en particulier, être utiles pour les fournisseurs de services intermédiaires de relativement petite taille. En fonction des cas, ces normes pourraient faire la distinction entre différents types de contenus *illicites* ou

##### *Amendment*

(66) Pour faciliter l'application efficace et cohérente des obligations prévues par le présent règlement qui peuvent nécessiter une mise en œuvre par des moyens technologiques, il importe de promouvoir des normes sectorielles volontaires portant sur certaines procédures techniques, lorsque le secteur industriel peut contribuer à la mise au point de moyens normalisés pour se conformer au présent règlement, par exemple en autorisant la soumission de notifications, y compris par des interfaces de programmation d'application, ou sur l'interopérabilité des registres de publicités. Ces normes, ***pour être valablement distribuées, doivent être adossées à un haut niveau de qualité contrôlé par l'autorité publique.*** Elles pourraient, en particulier, être utiles pour les fournisseurs de services intermédiaires



différents types de services intermédiaires.

de relativement petite taille. En fonction des cas, ces normes pourraient faire la distinction entre différents types de contenus *illégaux* ou différents types de services intermédiaires.

Or. fr

### **Amendment 513**

**Karen Melchior**

#### **Proposal for a regulation**

##### **Recital 66**

###### *Text proposed by the Commission*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

###### *Amendment*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such *as standardised disclosure frames for advertising*, as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

Or. en

### **Amendment 514**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

##### **Recital 67**

*Text proposed by the Commission*

*Amendment*

**(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.**

*deleted*

Or. en

#### **Amendment 515**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation** **Recital 67**

*Text proposed by the Commission*

*Amendment*

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. ***In certain***

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. Nothing in this

*circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct.* Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

Or. en

## **Amendment 516**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Laurence Farreng, Karen Melchior**

### **Proposal for a regulation**

#### **Recital 67**

##### *Text proposed by the Commission*

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

##### *Amendment*

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation, *as well as the compliance of online platforms with the provisions of these codes.* While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

Or. en

## Amendment 517

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Recital 67

*Text proposed by the Commission*

(67) The Commission and the **Board** should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the **Board**, by participating in the same codes of conduct.

*Amendment*

(67) The Commission and the **Agency** should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the **Agency**, by participating in the same codes of conduct.

Or. en

## Amendment 518

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 68

*Text proposed by the Commission*

***(68) Il convient que le présent règlement détermine certains domaines à prendre en considération pour ces codes de conduite. En particulier, des mesures d'atténuation des risques concernant des***

*Amendment*

***supprimé***

*types spécifiques de contenu illicite devraient être explorées par le biais d'accords d'autorégulation et de corégulation. Un autre domaine à prendre en considération est celui des éventuelles répercussions négatives des risques systémiques sur la société et la démocratie, tels que la désinformation ou les manipulations et les abus. Cela concerne notamment les opérations coordonnées visant à amplifier l'information, y compris la désinformation, comme l'utilisation de robots ou de faux comptes pour la création d'informations fausses ou trompeuses, parfois dans le but d'obtenir un gain économique, opérations qui sont particulièrement préjudiciables aux bénéficiaires vulnérables du service, tels que les enfants. Dans ces domaines, l'adhésion à un code de conduite donné et son respect par une très grande plateforme en ligne peuvent être considérés comme constituant une mesure appropriée d'atténuation des risques. Le refus, sans explications valables, par une plateforme en ligne de l'invitation de la Commission à participer à l'application d'un tel code de conduite pourrait être pris en compte, le cas échéant, pour déterminer si la plateforme en ligne a enfreint les obligations prévues dans le présent règlement.*

Or. fr

**Amendment 519**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 68**

*Text proposed by the Commission*

*Amendment*

**(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct.**

*deleted*

*In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.*

Or. en

#### **Amendment 520**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera**

#### **Proposal for a regulation Recital 68**

*Text proposed by the Commission*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored

*Amendment*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored

via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of *fake* or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for *vulnerable* recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. ***The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.***

via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of *intentionally inaccurate* or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for *certain groups of* recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure.

Or. en

#### **Amendment 521**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

#### **Recital 68**

##### *Text proposed by the Commission*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks

##### *Amendment*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content, ***for example sharing of images depicting child sexual abuse or terrorist content***, should be explored via self- and co-regulatory



on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

Or. en

## **Amendment 522**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

### **Proposal for a regulation**

#### **Recital 68**

##### *Text proposed by the Commission*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive

##### *Amendment*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation, ***harmful content*** or

activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

Or. en

## **Amendment 523**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Recital 69**

*Text proposed by the Commission*

***(69) Les règles relatives aux codes de conduite prévues par le présent règlement pourraient servir de base aux efforts d'autorégulation déjà déployés au niveau de l'Union, notamment l'engagement en matière de sécurité des produits, le protocole d'accord sur la vente de contrefaçons, le code de conduite contre les discours haineux illégaux ainsi que le code de bonnes pratiques contre la désinformation. En ce qui concerne ce dernier en particulier, la Commission publiera des orientations pour le renforcement du code de bonnes pratiques contre la désinformation, comme annoncé***

*Amendment*

***supprimé***

*dans le plan d'action pour la démocratie européenne.*

Or. fr

**Amendment 524**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 69**

*Text proposed by the Commission*

*Amendment*

**(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.**

**deleted**

Or. en

**Amendment 525**

**Geert Bourgeois**

**Proposal for a regulation**

**Recital 69**

*Text proposed by the Commission*

*Amendment*

**(69) De regels inzake gedragscodes in het kader van deze verordening zouden als basis kunnen dienen voor de reeds bestaande inspanningen op het gebied van zelfregulering op Unieniveau, met inbegrip van de productveiligheidsbelofte, het memorandum van overeenstemming tegen**

**(69) De regels inzake gedragscodes in het kader van deze verordening zouden als basis kunnen dienen voor de reeds bestaande inspanningen op het gebied van zelfregulering op Unieniveau, met inbegrip van de productveiligheidsbelofte, het memorandum van overeenstemming tegen**

namaakproducten, de gedragscode tegen illegale haatzaaiende uitlatingen en de praktijkcode betreffende desinformatie. Met name wat deze laatste betreft, zal de Commissie richtsnoeren geven voor het versterken van de praktijkcode betreffende desinformatie, zoals aangekondigd in het Europees actieplan voor de democratie.

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***Gedragscodes doen geen afbreuk aan de verplichtingen van deze verordening, waaronder de universele dienstverplichting waarmee zeer grote sociale onlineplatforms zijn belast.***

Or. nl

#### **Amendment 526**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation** **Recital 69**

##### *Text proposed by the Commission*

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. ***In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.***

##### *Amendment*

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation.

Or. en

#### **Amendment 527**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Recital 69**

*Text proposed by the Commission*

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission *will issue* guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.

*Amendment*

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, *since* the Commission *has issued* guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan *in May 2021*.

Or. en

**Amendment 528**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Recital 69**

*Text proposed by the Commission*

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission *will issue* guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.

*Amendment*

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, *since* the Commission *has issued* guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan *in*

May 2021.

Or. en

**Amendment 529**  
**Karen Melchior**

**Proposal for a regulation**  
**Recital 70**

*Text proposed by the Commission*

*Amendment*

**(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives.** *deleted*

Or. en

**Amendment 530**  
**Andreas Schieder, Evelyne Gebhardt, Marc Angel, Maria-Manuel Leitão-Marques**

**Proposal for a regulation**  
**Recital 70 a (new)**

*Text proposed by the Commission*

*Amendment*

**(70a) The Commission should encourage the development of codes of conduct to facilitate online platforms' verification of short-term holiday rental providers' compliance with national registration and authorisation schemes. Such codes of conduct should aim in particular at establishing effective cooperation mechanisms between online platforms and public authorities on short term holiday rentals.**

Or. en

**Amendment 531**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Recital 71**

*Text proposed by the Commission*

*Amendment*

**(71) En cas de circonstances extraordinaires affectant la sécurité ou la santé publique, la Commission peut entreprendre l'élaboration de protocoles de crise pour coordonner une réponse rapide, collective et transfrontière dans l'environnement en ligne. Les circonstances extraordinaires peuvent impliquer tout événement imprévisible, tel que des tremblements de terre, des ouragans, des pandémies et d'autres menaces transfrontalières graves pesant sur la santé publique, des guerres et des actes de terrorisme, lorsque les plateformes en ligne sont susceptibles d'être utilisées de manière abusive, par exemple, pour la diffusion rapide de contenus illicites ou de désinformation ou lorsqu'il est nécessaire de diffuser rapidement des informations fiables. Compte tenu du rôle important des très grandes plateformes en ligne dans la**

**supprimé**



*diffusion de l'information dans nos sociétés et au-delà des frontières, il convient d'encourager ces plateformes à élaborer et à appliquer des protocoles de crise spécifiques. Ces protocoles de crise ne devraient être activés que pour une période limitée et les mesures adoptées devraient également être limitées à ce qui est strictement nécessaire pour faire face à la circonstance extraordinaire considérée. Ces mesures devraient être cohérentes avec le présent règlement et ne devraient pas constituer, pour les très grandes plateformes en ligne participantes, une obligation générale de surveiller les informations qu'elles transmettent ou stockent, ni de rechercher activement des faits ou des circonstances indiquant un contenu illicite.*

Or. fr

**Amendment 532**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Recital 71 a (new)**

*Text proposed by the Commission*

*Amendment*

***(71a) In order to ensure that the systemic role of very large online platforms does not endanger the internal market by unfairly excluding innovative new entrants, including SMEs, entrepreneurs and start-ups, additional rules are needed to allow recipients of the service to switch or connect and interoperate between online platforms or internet ecosystems. Therefore, interoperability obligations should require very large online platforms to share appropriate tools, data, expertise, and resources. As part of those measures, the Commission should explore different technologies and open standards and***

*protocols, including the possibility of technical interfaces (Application Programming Interface), that allow recipients of service or other market participants to access the key functionalities of very large online platforms to exchange information.*

Or. en

*Justification*

*In line with the amendment for Article 33a new, and in line with the IMCO INL (P9\_TA(2020)0272) Annex Chapter VII*

**Amendment 533**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Kim Van Sparrentak, Rasmus Andresen**

**Proposal for a regulation**

**Recital 72**

*Text proposed by the Commission*

(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States. To this end, *they* should appoint at least one authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications' regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.

*Amendment*

(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States, *with exception of the oversight and enforcement of Chapter III Section 4 which shall lie with the Agency.* To this end, *the Member States* should appoint at least one *independent* authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications' regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.

**Amendment 534****Maria Grapini, Andreas Schieder, Marc Angel, Evelyne Gebhardt, Brando Benifei****Proposal for a regulation****Recital 73***Text proposed by the Commission*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and enforcement at Union level.

*Amendment*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure ***regular reporting and*** effective involvement of all relevant authorities in the supervision and enforcement at Union level.

## **Amendment 535**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Recital 73**

##### *Text proposed by the Commission*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the **Commission, the Board**, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and enforcement at Union level.

##### *Amendment*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the **Agency**, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and enforcement at Union level.

Or. en

## **Amendment 536**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**  
**Recital 73 a (new)**

*Text proposed by the Commission*

*Amendment*

***(73a) The designation of a Digital Services Coordinator in the Member States should be without prejudice to already existing enforcement mechanisms, such as in electronic communication or media regulation, and independent regulatory structures in these fields as defined by European and national law. The competences of the Digital Services Coordinator should not interfere with those of the appointed authorities. For ensuring coordination and for contributing to the effective consistent application and enforcement of this Regulation throughout the Union, the different European networks, in particular the European Regulators Group for Audiovisual Media Services (ERGA) and the Body of European Regulators for Electronic Communications (BEREC), should be responsible. For the effective implementation of this task, these networks should develop suitable procedures to be applied in cases concerning this Regulation.***

Or. en

*Justification*

*In line with Amendment 22, these sector-specific authorities and regulators are long experienced, independent and competent in their task and there is no need to change that. Where coordination is needed and to ensure effective and consistent EU-wide enforcement, the European networks (such as ERGA for audiovisual media or BEREC for electronic communication) shall be responsible to deal with these matters and be tasked to develop effective and efficient cross-border procedures.*

**Amendment 537**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 74**

*Text proposed by the Commission*

(74) Le coordinateur pour les services numériques, de même que les autorités compétentes désignées en vertu du présent règlement, jouent un rôle crucial pour assurer l'effectivité des droits et obligations prévus par le présent règlement et la réalisation de ses objectifs. En conséquence, il est nécessaire de veiller à ce qu'ils agissent en toute indépendance par rapport aux organismes privés et publics, ***sans obligation ni possibilité de solliciter ou de recevoir des instructions, y compris du gouvernement***, et sans préjudice des obligations spécifiques de coopérer avec d'autres autorités compétentes, les coordinateurs pour les services numériques, le comité européen des services numériques et la Commission. Toutefois, l'indépendance desdites autorités ne devrait pas signifier qu'elles ne peuvent pas être soumises, dans le respect des constitutions nationales et sans que cela mette en péril la réalisation des objectifs du présent règlement, à des mécanismes nationaux de contrôle ou de surveillance portant sur leurs dépenses financières ou à un contrôle juridictionnel, ou qu'elles ne devraient pas avoir la possibilité de consulter d'autres autorités nationales, y compris les services répressifs ou les autorités de gestion des crises, le cas échéant.

*Amendment*

(74) Le coordinateur pour les services numériques, de même que les autorités compétentes désignées en vertu du présent règlement, jouent un rôle crucial pour assurer l'effectivité des droits et obligations prévus par le présent règlement et la réalisation de ses objectifs. En conséquence, il est nécessaire de veiller à ce qu'ils agissent en toute indépendance par rapport aux organismes privés et publics, et sans préjudice des obligations spécifiques de coopérer avec d'autres autorités compétentes, les coordinateurs pour les services numériques, le comité européen des services numériques, ***les États membres*** et la Commission. Toutefois, l'indépendance desdites autorités ne devrait pas signifier qu'elles ne peuvent pas être soumises, dans le respect des constitutions nationales et sans que cela mette en péril la réalisation des objectifs du présent règlement, à des mécanismes nationaux de contrôle ou de surveillance portant sur leurs dépenses financières ou à un contrôle juridictionnel, ou qu'elles ne devraient pas avoir la possibilité de consulter d'autres autorités nationales, y compris les services répressifs ou les autorités de gestion des crises, le cas échéant.

Or. fr

**Amendment 538**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 74**

*Text proposed by the Commission*

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, *the Board* and the *Commission*. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

*Amendment*

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators and the *Agency*. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

Or. en

**Amendment 539**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Recital 76**

*Text proposed by the Commission*

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member

*Amendment*

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member



States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction.

States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction. ***In addition in order to ensure effective protection of rights of EU citizens that take into account diverse national laws and difference in socio-cultural context between countries, a Member State should exercise jurisdiction where it concerns online social networking services provided by very large online platforms which offer services to a significant number of recipients in a given Member State. Member States jurisdiction is particularly important in case of very large online platforms which are social networks because they play a central role in facilitating the public debate.***

**Amendment 540****Jean-Lin Lacapelle, Virginie Joron****Proposal for a regulation****Recital 76***Text proposed by the Commission*

(76) Les fournisseurs de services intermédiaires n'étant pas soumis à l'obligation générale de garantir une présence physique sur le territoire de l'Union, il est nécessaire, aux fins du contrôle, par les autorités nationales compétentes, de l'application des règles prévues aux chapitres III et IV, de déterminer clairement l'État membre de la compétence duquel relèvent ces fournisseurs. Un fournisseur devrait relever de la compétence de l'État membre dans lequel se trouve son établissement principal, c'est-à-dire dans lequel le fournisseur a son administration centrale ou son siège statutaire, au sein duquel sont exercés les principales fonctions financières ainsi que le contrôle opérationnel. En ce qui concerne les fournisseurs qui ne disposent pas d'un établissement dans l'Union, mais qui offrent des services dans l'Union et relèvent donc du champ d'application du présent règlement, l'État membre dans lequel ces fournisseurs ont désigné leur représentant légal devrait être compétent, compte tenu de la fonction de représentant légal prévue par le présent règlement. Toutefois, dans l'intérêt d'une application effective du présent règlement, lorsqu'un fournisseur n'a pas désigné de représentant légal, tous les États membres devraient être compétents à condition que le principe non bis in idem soit respecté. À cette fin, chaque État membre qui exerce sa compétence à l'égard de ces fournisseurs devrait, sans délai excessif, informer les

*Amendment*

(76) Les fournisseurs de services intermédiaires n'étant pas soumis à l'obligation générale de garantir une présence physique sur le territoire de l'Union, il est nécessaire, aux fins du contrôle, par les autorités nationales compétentes, de l'application des règles prévues aux chapitres III et IV, de déterminer clairement l'État membre de la compétence duquel relèvent ces fournisseurs. Un fournisseur devrait relever de la compétence de l'État membre dans lequel se trouve son établissement principal, c'est-à-dire dans lequel le fournisseur a son administration centrale ou son siège statutaire, au sein duquel sont exercés les principales fonctions financières ainsi que le contrôle opérationnel, ***sans que cette identification puisse constituer de présomption de reconnaissance d'établissement en matière fiscale.*** En ce qui concerne les fournisseurs qui ne disposent pas d'un établissement dans l'Union, mais qui offrent des services dans l'Union et relèvent donc du champ d'application du présent règlement, l'État membre dans lequel ces fournisseurs ont désigné leur représentant légal devrait être compétent, compte tenu de la fonction de représentant légal prévue par le présent règlement. Toutefois, dans l'intérêt d'une application effective du présent règlement, lorsqu'un fournisseur n'a pas désigné de représentant légal, tous les États membres devraient être compétents à condition que le principe non bis in idem soit respecté. À cette fin,

autres États membres des mesures qu'il a prises dans l'exercice de cette compétence.

chaque État membre qui exerce sa compétence à l'égard de ces fournisseurs devrait, sans délai excessif, informer les autres États membres des mesures qu'il a prises dans l'exercice de cette compétence.

Or. fr

#### **Amendment 541**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Recital 76**

###### *Text proposed by the Commission*

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim,

###### *Amendment*

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV **and Article 8 and 9** by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle

each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction.

of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction.

Or. en

#### **Amendment 542**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Recital 78**

###### *Text proposed by the Commission*

(78) Member States should set out in their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation.

###### *Amendment*

(78) Member States should set out in their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation. ***In order to ensure coherence between the Member States, the Commission should adopt guidance on the procedures and rules related to the powers of Digital Services Coordinators.***

Or. en

#### **Amendment 543**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Recital 79**

*Text proposed by the Commission*

(79) In the course of the exercise of those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. In this regard, the guarantees provided for in relation to the proceedings of the **Commission** pursuant to this Regulation could serve as an appropriate point of reference. A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature and the overall actual or potential harm caused by the infringement or suspected infringement. The competent authorities should in principle take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other Member States.

*Amendment*

(79) In the course of the exercise of those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. In this regard, the guarantees provided for in relation to the proceedings of the **Agency** pursuant to this Regulation could serve as an appropriate point of reference. A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature and the overall actual or potential harm caused by the infringement or suspected infringement. The competent authorities should in principle take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other Member States.

Or. en

**Amendment 544**  
**Geoffroy Didier**

**Proposal for a regulation**  
**Recital 80**

*Text proposed by the Commission*

(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, whether the provider is active in several Member States.

*Amendment*

(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, whether the provider is active in several Member States. ***The Digital Service Coordinator should have the power to request the relevant judicial authority to take meaningful action when the provider of intermediary services has repeatedly infringed the obligations laid down in the Regulation.***

Or. en

*Justification*

*In the legislative proposal of the European Commission on the Digital Services Act, the issue of injunctions is extremely important for all stakeholders involved. Injunctions already allow national competent authorities to take measures against online service providers which host illegal content. Although they are -strictly speaking- distinct from the online liability regime, they are essential to the effective application of EU laws, norms and values. A similar tool should be introduced to ensure effective enforcement of the future DSA Regulation. Concretely, Digital Service Coordinators (DSCs) should have the ability to swiftly act against online intermediaries that repeatedly violate the provisions of the DSA, including their “due diligence” obligations. Such a tool should be applicable to online intermediaries, regardless of their place of establishment (within or outside the EU). These amendments are in line with and further strengthen the current proposal of the IMCO Rapporteur’s draft report on the DSA and will ensure greater efficiency in the enforcement of the future DSA.*



**Amendment 545**  
**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Recital 80 a (new)**

*Text proposed by the Commission*

*Amendment*

**(80a) The Commission should issue guidance to Member States and propose a system for the staggering of the penalties according to the size of the companies, to ensure proportionality and adequacy.**

Or. en

**Amendment 546**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Recital 81**

*Text proposed by the Commission*

*Amendment*

(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.

(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations **as well as parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform** should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of



intermediary services concerned is established, if the issue requires cross-border cooperation.

Or. en

#### **Amendment 547**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Recital 84**

##### *Text proposed by the Commission*

(84) Il convient que le coordinateur pour les services numériques publie régulièrement un rapport sur les activités exécutées au titre du présent règlement. Dans la mesure où le coordinateur pour les services numériques est également informé des injonctions d'agir contre les contenus *illicites* ou de fournir, par l'intermédiaire du système commun d'échange d'informations, des informations régies par le présent règlement, il devrait inclure dans son rapport annuel le nombre et les catégories des injonctions émises à l'encontre des fournisseurs de services intermédiaires par les autorités judiciaires et administratives de son État membre.

##### *Amendment*

(84) Il convient que le coordinateur pour les services numériques publie régulièrement un rapport sur les activités exécutées au titre du présent règlement. Dans la mesure où le coordinateur pour les services numériques est également informé des injonctions d'agir contre les contenus *illégaux* ou de fournir, par l'intermédiaire du système commun d'échange d'informations, des informations régies par le présent règlement, il devrait inclure dans son rapport annuel le nombre et les catégories des injonctions émises à l'encontre des fournisseurs de services intermédiaires par les autorités judiciaires et administratives de son État membre.

Or. fr

#### **Amendment 548**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Recital 85**

##### *Text proposed by the Commission*

(85) Where a Digital Services Coordinator requests another Digital

##### *Amendment*

(85) Where a Digital Services Coordinator requests another Digital

Services Coordinator to take action, the requesting Digital Services Coordinator, **or the Board in case it issued a recommendation to assess issues involving more than three Member States**, should be able to refer the matter to the **Commission** in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The **Commission**, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. **This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties.** A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the **Commission's** intervention **under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform**

Services Coordinator to take action, the requesting Digital Services Coordinator should be able to refer the matter to the **Agency** in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The **Agency**, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the **Agency** intervention **in accordance with Article 45 (5).**

Or. en

#### **Amendment 549**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

#### **Proposal for a regulation**

##### **Recital 85**

###### *Text proposed by the Commission*

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving

###### *Amendment*

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving

more than **three** Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform

more than **four** Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. ***If the Commission believes that the Digital Services Coordinator of establishment has not at least partially addressed the request or has not fully justified its decision to not address the request,*** the Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform.

Or. en

**Amendment 550**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 85**

*Text proposed by the Commission*

(85) Lorsqu'un coordinateur pour les services numériques demande à un autre coordinateur de prendre des mesures, il convient que le coordinateur demandeur, ou le comité des services numériques lorsque celui-ci a émis une

*Amendment*

(85) Lorsqu'un coordinateur pour les services numériques demande à un autre coordinateur de prendre des mesures, il convient que le coordinateur demandeur, ou le comité des services numériques lorsque celui-ci a émis une

recommandation relative à l'examen d'une situation impliquant plus de trois États membres, puisse saisir la Commission s'il n'est pas d'accord avec les évaluations ou les mesures prises ou proposées ou si aucune mesure n'a été prise. La Commission, sur la base des informations mises à disposition par les autorités concernées, devrait par conséquent pouvoir demander au coordinateur pour les services numériques compétent de réévaluer la question et de prendre, dans un délai déterminé, les mesures nécessaires pour assurer le respect du présent règlement. Cette possibilité est sans préjudice de l'obligation générale faite à la Commission de surveiller l'application du droit de l'Union et, le cas échéant, de le faire respecter, sous le contrôle de la Cour de justice de l'Union européenne, conformément aux traités. Le fait que le coordinateur pour les services numériques du pays d'établissement ne prenne aucune mesure après avoir reçu une telle demande peut également entraîner l'intervention de la Commission en vertu de la section 3 du chapitre IV du présent règlement, si le contrevenant présumé est une très grande plateforme en ligne.

recommandation relative à l'examen d'une situation impliquant plus de trois États membres, puisse saisir la Commission s'il n'est pas d'accord avec les évaluations ou les mesures prises ou proposées ou si aucune mesure n'a été prise. La Commission, sur la base des informations mises à disposition par les autorités concernées, devrait par conséquent pouvoir demander au coordinateur pour les services numériques compétent de réévaluer la question et de prendre, dans un délai déterminé *et raisonnable*, les mesures nécessaires pour assurer le respect du présent règlement. Cette possibilité est sans préjudice de l'obligation générale faite à la Commission de surveiller l'application du droit de l'Union et, le cas échéant, de le faire respecter, sous le contrôle de la Cour de justice de l'Union européenne, conformément aux traités. Le fait que le coordinateur pour les services numériques du pays d'établissement ne prenne aucune mesure après avoir reçu une telle demande peut également entraîner l'intervention *du Comité européen pour les services numériques, ou* de la Commission en vertu de la section 3 du chapitre IV du présent règlement, si le contrevenant présumé est une très grande plateforme en ligne.

Or. fr

## Amendment 551

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Recital 85

##### *Text proposed by the Commission*

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving

##### *Amendment*

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving

more than three Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform

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Or. en

#### **Amendment 552**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

#### **Proposal for a regulation**

#### **Recital 86**

##### *Text proposed by the Commission*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation. Those activities may include other competent authorities and

##### *Amendment*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation *and under the authority of the Digital Services Coordinator of the*

may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.

**Member State of establishment.** Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.

Or. en

### **Amendment 553**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Recital 86**

#### *Text proposed by the Commission*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation. Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The **Board** may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with

#### *Amendment*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation. Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The **Agency** may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with

participation of the authorities involved.

participation of the authorities involved.

Or. en

**Amendment 554**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 87**

*Text proposed by the Commission*

(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request, on a voluntary basis, the Commission to intervene and exercise its investigatory and enforcement powers under this Regulation.

*Amendment*

(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request, on a voluntary basis, the Commission *or the Board* to intervene and exercise its investigatory and enforcement powers under this Regulation.

Or. en

**Amendment 555**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 87**

*Text proposed by the Commission*

(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have

*Amendment*

(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have



the possibility to request, on a voluntary basis, the **Commission** to intervene and exercise its investigatory and enforcement powers under this Regulation.

the possibility to request, on a voluntary basis, the **Agency** to intervene and exercise its investigatory and enforcement powers under this Regulation.

Or. en

**Amendment 556**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 88**

*Text proposed by the Commission*

*Amendment*

**(88)** *In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one representative per Member State.*

*deleted*

Or. en

**Amendment 557**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Recital 88**

*Text proposed by the Commission*

(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to *one representative per Member State*.

*Amendment*

(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level ***and with legal personality***, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to ***the Member State's Digital Services Coordinator***.

Or. en

**Amendment 558**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 89**

*Text proposed by the Commission*

***(89) Le comité devrait contribuer à définir une vision commune de l'Union concernant l'application cohérente du présent règlement et à la coopération entre les autorités compétentes, notamment en conseillant la Commission et les coordinateurs pour les services numériques sur les mesures d'enquête et de coercition appropriées, en particulier à l'égard des très grandes plateformes en***

*Amendment*

***supprimé***

*ligne. Le comité devrait également contribuer à l'élaboration de modèles et de codes de conduite pertinents et analyser les nouvelles tendances générales qui se dessinent dans le développement des services numériques dans l'Union.*

Or. fr

**Amendment 559**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 89**

*Text proposed by the Commission*

*Amendment*

*(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.*

*deleted*

Or. en

**Amendment 560**

**Karen Melchior**

**Proposal for a regulation**

**Recital 89**

*Text proposed by the Commission*

(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates *and* codes of conduct and analyse emerging general trends in the development of digital services in the Union.

*Amendment*

(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates, codes of conduct, *best practices* and analyse emerging general trends in the development of digital services in the Union.

Or. en

**Amendment 561**

**Barbara Thaler**

**Proposal for a regulation**

**Recital 89**

*Text proposed by the Commission*

(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.

*Amendment*

(89) The Board should *exclusively* contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.

Or. en

## Amendment 562

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Recital 90

*Text proposed by the Commission*

**(90) For that purpose, the Board should be able to adopt opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities. While not legally binding, the decision to deviate therefrom should be properly explained and could be taken into account by the Commission in assessing the compliance of the Member State concerned with this Regulation.**

*Amendment*

*deleted*

Or. en

## Amendment 563

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Recital 90

*Text proposed by the Commission*

**(90) À cette fin, le comité devrait pouvoir adopter des avis, des demandes et des recommandations adressés aux coordinateurs pour les services numériques ou à d'autres autorités nationales compétentes. Bien que ces actes ne soient pas juridiquement contraignants, toute décision de s'en écarter devrait être dûment motivée et pourrait être prise en compte par la Commission lors de l'évaluation du respect du présent règlement par l'État membre concerné.**

*Amendment*

(90) Le comité devrait pouvoir adopter des avis, des demandes et des recommandations adressés aux coordinateurs pour les services numériques ou à d'autres autorités nationales compétentes.

**Amendment 564**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 90**

*Text proposed by the Commission*

(90) For that purpose, the Board should be able to adopt opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities. ***While not legally binding, the decision to deviate therefrom should be properly explained and could be taken into account by the Commission in assessing the compliance of the Member State concerned with this Regulation.***

*Amendment*

(90) For that purpose, the Board should be able to adopt ***decisions***, opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities.

**Amendment 565**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 91**

*Text proposed by the Commission*

***(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies,***

*Amendment*

***deleted***

*offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.*

Or. en

**Amendment 566**  
**Karen Melchior**

**Proposal for a regulation**  
**Recital 91**

*Text proposed by the Commission*

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

*Amendment*

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, **market surveillance**, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Or. en



## **Amendment 567**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

### **Proposal for a regulation**

#### **Recital 91**

##### *Text proposed by the Commission*

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

##### *Amendment*

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, **competition**, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Or. en

## **Amendment 568**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

### **Proposal for a regulation**

#### **Recital 91**

##### *Text proposed by the Commission*

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the

##### *Amendment*

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the

Commission, with a view to ensuring ***an*** assessment of matters submitted to it ***in a fully European dimension***. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Commission, with a view to ensuring ***a careful*** assessment of matters submitted to it. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Or. en

#### **Amendment 569**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Recital 92**

*Text proposed by the Commission*

***(92) The Commission, through the Chair, should participate in the Board without voting rights. Through the Chair, the Commission should ensure that the agenda of the meetings is set in accordance with the requests of the members of the Board as laid down in the rules of procedure and in compliance with the duties of the Board laid down in this Regulation.***

*Amendment*

***deleted***

Or. en

#### **Amendment 570**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 92**

*Text proposed by the Commission*

(92) The Commission, ***through the Chair***, should participate in the Board without voting rights. ***Through the Chair, the Commission should ensure that the agenda of the meetings is set in accordance with the requests of the members of the Board as laid down in the rules of procedure and in compliance with the duties of the Board laid down in this Regulation.***

*Amendment*

(92) The Commission should participate in the Board without voting rights.

Or. en

**Amendment 571**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 93**

*Text proposed by the Commission*

(93) ***In view of the need to ensure support for the Board's activities, the Board should be able to rely on the expertise and human resources of the Commission and of the competent national authorities. The specific operational arrangements for the internal functioning of the Board should be further specified in the rules of procedure of the Board.***

*Amendment*

*deleted*

Or. en

**Amendment 572**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 95**

*Text proposed by the Commission*

(95) In order to address those public policy concerns it is therefore necessary to provide for a common system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to ***individual or joint investigations***, auditing or complaints, the ***Digital Services Coordinator of establishment, upon its own initiative or upon the Board's advice***, should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. ***That Digital Services Coordinator should be able to ask, where appropriate***, for an additional, specific audit to be carried out, ***on a voluntary basis***, to establish whether those measures are sufficient to address the infringement. At the end of that procedure, it should inform ***the Board, the Commission and the platform concerned*** of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken. ***The Digital Services Coordinator should perform its role under this common system in a timely manner and taking utmost account of any opinions and other advice of the Board.***

*Amendment*

(95) In order to address those public policy concerns it is therefore necessary to provide for a common ***approach to*** system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to auditing or complaints, the ***Agency*** should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. ***The Agency should be able to ask for an additional, specific audit to be carried out to establish whether those measures are sufficient to address the infringement. At the end of that procedure, it should inform the platform concerned of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken.***

Or. en

**Amendment 573**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 96**

*Text proposed by the Commission*

(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, ***only the Commission may, on its own initiative or upon advice of the Board,*** decide to further investigate the infringement concerned and the measures that the platform has subsequently taken, ***to the exclusion of the Digital Services Coordinator of establishment.*** After having conducted the necessary investigations, the ***Commission*** should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the ***Commission's*** request, or in situations where the Digital Services Coordinator of establishment itself requested for the ***Commission*** to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.

*Amendment*

(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, ***the Agency may*** decide to further investigate the infringement concerned and the measures that the platform has subsequently taken. After having conducted the necessary investigations, the ***Agency*** should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the ***Agency's*** request, or in situations where the Digital Services Coordinator of establishment itself requested for the ***Agency*** to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.

Or. en

**Amendment 574**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 96**

*Text proposed by the Commission*

(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively

*Amendment*

(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively

addressed by that platform pursuant to the action plan, **only** the Commission **may, on its** own initiative or upon **advice of the Board**, decide to further investigate the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the Commission should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. **It** should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the Commission's request, or in situations where the Digital Services Coordinator of establishment itself requested for the Commission to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.

addressed by that platform pursuant to the action plan, the Commission **of the Board may, on their** own initiative or upon **request**, decide to further investigate the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the Commission **or respectively the Board** should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. **They** should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the Commission's **or the Board's** request, or in situations where the Digital Services Coordinator of establishment itself requested for the Commission **of the Board** to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.

Or. en

#### **Amendment 575**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Recital 97**

*Text proposed by the Commission*

**(97) The Commission should remain free to decide whether or not it wishes to intervene in any of the situations where it is empowered to do so under this Regulation. Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and**

*Amendment*

**deleted**

*enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of ne bis in idem. However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the Commission's powers and responsibility to carry out additional investigations as necessary.*

Or. en

#### **Amendment 576**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Recital 97**

*Text proposed by the Commission*

(97) *La Commission devrait avoir toute latitude pour décider si elle souhaite ou non intervenir dans l'une des situations*

*Amendment*

(97) *Le Comité devrait disposer de la plénitude du pouvoir de décision dans les procédures d'enquête et de coercition*



*où elle est habilitée à le faire en vertu du présent règlement. Dès lors que la Commission a engagé la procédure, les coordinateurs pour les services numériques des établissements concernés ne devraient plus être habilités à exercer leurs pouvoirs d'enquête et de coercition eu égard au comportement en cause de la très grande plateforme en ligne concernée, afin d'éviter les doubles emplois, les incohérences et les risques du point de vue du principe non bis in idem. Toutefois, dans un souci d'efficacité, ces coordinateurs pour les services numériques ne devraient pas être empêchés d'exercer leurs pouvoirs, soit pour assister la Commission, à la demande de celle-ci, dans l'exercice de ses tâches de surveillance, soit en ce qui concerne d'autres comportements, y compris un comportement de la même très grande plateforme en ligne suspecté de constituer une nouvelle infraction. Ces coordinateurs pour les services numériques, ainsi que le comité et les autres coordinateurs de services numériques le cas échéant, devraient fournir à la Commission toutes les informations et l'assistance nécessaires pour lui permettre de s'acquitter efficacement de ses tâches, et réciproquement, la Commission devrait les tenir informés de l'exercice de ses pouvoirs le cas échéant. À cet égard, la Commission devrait, le cas échéant, tenir compte de toute évaluation pertinente effectuée par le comité ou par les coordinateurs pour les services numériques concernés et de tout élément de preuve et information pertinents recueillis par ceux-ci, sans préjudice des pouvoirs et de la responsabilité de la Commission de mener des enquêtes supplémentaires si nécessaire.*

*prévues par le présent règlement. La Commission, qui prête au Comité toute son assistance technique, devrait disposer des pleines capacités d'exécution des décisions du Comité. Dès lors que la Commission, sur instruction du Comité, a engagé la procédure, les coordinateurs pour les services numériques des établissements concernés ne devraient plus être habilités à exercer leurs pouvoirs d'enquête et de coercition eu égard au comportement en cause de la très grande plateforme en ligne concernée, afin d'éviter les doubles emplois, les incohérences et les risques du point de vue du principe non bis in idem. Toutefois, dans un souci d'efficacité, ces coordinateurs pour les services numériques ne devraient pas être empêchés d'exercer leurs pouvoirs, soit pour assister la Commission, à la demande de celle-ci ou du Comité, dans l'exercice de ses tâches de surveillance, soit en ce qui concerne d'autres comportements, y compris un comportement de la même très grande plateforme en ligne suspecté de constituer une nouvelle infraction. Ces coordinateurs pour les services numériques, ainsi que le comité et les autres coordinateurs de services numériques le cas échéant, devraient fournir à la Commission toutes les informations et l'assistance nécessaires pour lui permettre de s'acquitter efficacement de ses tâches, et réciproquement, la Commission devrait les tenir informés de l'exercice de ses pouvoirs, y compris, le cas échéant, lorsqu'elle les exerce de façon autonome afin de soumettre au Comité des propositions.*

Or. fr

## Amendment 577

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Recital 97

*Text proposed by the Commission*

(97) ***The Commission should remain free to decide whether or not it wishes to intervene in any of the situations where it is empowered to do so under this Regulation.*** Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of ne bis in idem. However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the Commission's powers and responsibility to carry out additional investigations as

*Amendment*

(97) ***Once the Board or*** the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of ne bis in idem. However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist ***the Board or*** the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the ***Board's or*** Commission's powers and responsibility to carry out additional investigations as necessary.

necessary.

Or. en

**Amendment 578**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 97 a (new)**

*Text proposed by the Commission*

*Amendment*

***(97a) The Commission should ensure that it is independent and impartial in its decision making in regards to both Digital Services Coordinators and providers of services under this Regulation.***

Or. en

**Amendment 579**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Recital 98**

*Text proposed by the Commission*

*Amendment*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties, ***including the right to challenge any investigative***

*requests before a judicial authority within the Member State of establishment.*

Or. en

## **Amendment 580**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Recital 98**

##### *Text proposed by the Commission*

(98) Compte tenu à la fois des difficultés particulières qui peuvent surgir dans le cadre de la vérification du respect des règles par les très grandes plateformes en ligne et de l'importance de procéder efficacement à cette vérification, eu égard à leur taille, à leur poids et au préjudice qu'elles peuvent causer, la Commission devrait disposer de pouvoirs d'enquête et de coercition renforcés pour lui permettre d'enquêter sur certaines des règles établies dans le présent règlement, de les faire appliquer et de les contrôler, dans le plein respect du principe de proportionnalité et des droits et intérêts des parties concernées.

##### *Amendment*

(98) Compte tenu à la fois des difficultés particulières qui peuvent surgir dans le cadre de la vérification du respect des règles par les très grandes plateformes en ligne et de l'importance de procéder efficacement à cette vérification, eu égard à leur taille, à leur poids et au préjudice qu'elles peuvent causer, la Commission devrait, ***une fois la procédure pertinente ouverte par décision du Comité***, disposer de pouvoirs d'enquête et de coercition renforcés pour lui permettre d'enquêter sur certaines des règles établies dans le présent règlement, de les faire appliquer et de les contrôler, dans le plein respect du principe de proportionnalité et des droits et intérêts des parties concernées.

Or. fr

## **Amendment 581**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Recital 98**

##### *Text proposed by the Commission*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so

##### *Amendment*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so

effectively, considering their size and impact and the harms that they may cause, the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

effectively, considering their size and impact and the harms that they may cause, **the Board and** the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

Or. en

#### **Amendment 582**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Recital 98**

*Text proposed by the Commission*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the **Commission** should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

*Amendment*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the **Agency** should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

Or. en

#### **Amendment 583**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

#### **Proposal for a regulation**

##### **Recital 98**

*Text proposed by the Commission*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have **strong** investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

*Amendment*

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

Or. en

**Amendment 584**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Recital 99**

*Text proposed by the Commission*

(99) ***In particular, the Commission should have access to any relevant documents, data and information necessary*** to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, ***irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored.*** The Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any

*Amendment*

(99) The Commission, to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this regulation, should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons

public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

Or. en

#### **Amendment 585**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 99**

##### *Text proposed by the Commission*

(99) In particular, the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In

##### *Amendment*

(99) In particular, the Commission, ***where it can show grounds for believing that a very large online platform is not compliant with this Regulation***, should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be able to directly require that the very large online platform



addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information *related to those concerns*. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers.

Or. en

**Amendment 586**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 99**

*Text proposed by the Commission*

(99) *In particular*, the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where

*Amendment*

(99) *The Board and* the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where

they are stored. The Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

they are stored. The **Board and the** Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the **Board and** Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. **The Board and** the Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The **Board and the** Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement **the Board's and** the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

Or. en

#### **Amendment 587**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Recital 99**

*Text proposed by the Commission*

(99) In particular, the **Commission** should have access to any relevant documents, data and information necessary to open and conduct investigations and to

*Amendment*

(99) In particular, the **Agency** should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the

monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The **Commission** should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the **Commission** should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The **Commission** should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The **Commission** should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the **Commission's** possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The **Agency** should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the **Agency** should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The **Agency** should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The **Agency** should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the **Agency's** possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers.

Or. en

**Amendment 588**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 101**

*Text proposed by the Commission*

(101) The very large online platforms concerned and other persons subject to the exercise of the Commission's powers

*Amendment*

(101) The very large online platforms concerned and other persons subject to the exercise of the **Board's or** Commission's

whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.

powers whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the **Board and the** Commission should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.

Or. en

#### **Amendment 589**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Recital 101**

###### *Text proposed by the Commission*

(101) The very large online platforms concerned and other persons subject to the exercise of the **Commission's** powers whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the **Commission** should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to

###### *Amendment*

(101) The very large online platforms concerned and other persons subject to the exercise of the **Agency's** powers whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the **Agency** should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the

understand the facts and considerations that lead up to the decision.

facts and considerations that lead up to the decision.

Or. en

**Amendment 590**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 102**

*Text proposed by the Commission*

*Amendment*

***(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.*** ***deleted***

Or. en

**Amendment 591**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 102**

*Text proposed by the Commission*

*Amendment*

***(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board*** ***deleted***

*and on its structure.*

Or. en

**Amendment 592**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 102**

*Text proposed by the Commission*

(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.

*Amendment*

(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure. ***In addition, the Commission should carry out an assessment of any impact of the costs to European service providers of any similar requirements, including those of Article 11, introduced by third-party states and any new barriers to non-EU market access after the adoption of this Regulation. The Commission should also assess the impact on the ability of European businesses and consumers to access and buy products and services from outside the Union.***

Or. en

*Justification*

*The Commission should assess any reactions from non-EU countries to the regulation of their companies by this regulation and if any negative effects have happened in relations to European companies outside the EU.*

**Amendment 593**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 103**

*Text proposed by the Commission*

*Amendment*

**(103) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>49</sup>.**

*deleted*

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<sup>49</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

**Amendment 594**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Recital 104**

*Text proposed by the Commission*

*Amendment*

(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect

(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect



of criteria for identification of very large online platforms and of technical specifications for access requests. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

of criteria for identification of very large online platforms and of technical specifications for access requests. ***It is also equally important that when standardisation bodies are unable to agree the standards needed to implement this Regulation fully, that the Commission to choice to adopt delegated acts.*** It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

#### *Justification*

*Linked to changes in Article 69 and 34.*

#### **Amendment 595**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Recital 105 a (new)**

*Text proposed by the Commission*

*Amendment*

***(105a) This Regulation serves a horizontal framework to ensure the further strengthening and deepening the Digital Single Market and the internal market and therefore seeks to lay down rules and obligations which, unless specified, seek to be applicable to all providers without regards to individual models of operation.***

*Individual models of operation are often addressed in different Union law regarded as *lex specialis*. In the case of any potential conflict between this Regulation and those Union acts, the principle of *Lex specialis derogat legi generali* should apply.*

Or. en

**Amendment 596**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 106 a (new)**

*Text proposed by the Commission*

*Amendment*

*(106a) A small number of companies developed a market dominance by acquiring an unprecedented level about people's lives and replaced services of a diverse and decentralised system with open standards by "walled gardens" with locked-in users; therefore, this Regulation should introduce additional obligations regarding data protection, transparency, user choice and interoperability in order to guarantee a level playing field and consumer welfare.*

Or. en

**Amendment 597**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 106 b (new)**

*Text proposed by the Commission*

*Amendment*

*(106b) The "attention-seeking" profiling business model of digital markets, where algorithms priorities controversial content and thus contribute to its spread online,*

*undermines consumer's trust in the digital markets. Therefore, this Regulation should put an end to this practice and should give users more control on how rankings are presented;*

Or. en

**Amendment 598**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Recital 106 c (new)**

*Text proposed by the Commission*

*Amendment*

*(106c) The proposal for an 'empowered and strategic' High Level Multi stakeholder Body for Digital Cooperation in the UN's "Roadmap for Digital Cooperation" runs counter calls for stronger regulation of digital companies. While international cooperation is of highly importance, a genuinely democratic approach for global digital governance should be uphold. To that end, obligations for gatekeepers and enforcement measurers of this Regulation should contribute to the development of appropriate global norms and polices;*

Or. en

**Amendment 599**  
**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. This Regulation lays down harmonised rules on the provision of intermediary services in the internal

1. This Regulation lays down harmonised rules on the provision of intermediary services in *order to improve*

market. In particular, it establishes:

***the functioning of*** the internal market. In particular, it establishes:

Or. en

*Justification*

*We need to make a link with the Article 114 TFEU legal basis and the objectives of the Regulation by adding this reference. This is also in line with Better Regulation principles: the EU legislator needs to be clear why it legislates.*

**Amendment 600**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article premier – paragraph 1 – point a**

*Text proposed by the Commission*

(a) un cadre pour ***l'exemption*** conditionnelle de responsabilité des fournisseurs de services intermédiaires;

*Amendment*

(a) un cadre pour ***la possible exemption*** conditionnelle de responsabilité des fournisseurs de services intermédiaires;

Or. fr

**Amendment 601**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a framework ***for the conditional exemption from liability*** of providers of intermediary services;

*Amendment*

(a) a ***liability*** framework of providers of intermediary services;

Or. en

**Amendment 602**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article premier – paragraph 1 – point b**

*Text proposed by the Commission*

(b) les règles relatives aux obligations spécifiques *liées au devoir de diligence* adaptées à certaines catégories données de fournisseurs de services intermédiaires;

*Amendment*

(b) les règles relatives aux obligations spécifiques adaptées à certaines catégories données de fournisseurs de services intermédiaires;

Or. fr

**Amendment 603**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) rules on transparency, accountability and respect for fundamental rights as regards the design and implementation of voluntary, self- and co-regulatory measures.*

Or. en

**Amendment 604**

**Maria Grapini, Christel Schaldemose, Marc Angel, Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) contribute to the proper functioning of the internal market for intermediary services;

(a) contribute to the proper functioning of the internal market for intermediary services *to ensure fair competition*;

Or. en

**Amendment 605**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

*Amendment*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights ***with special focus on most vulnerable as children and disabled persons*** enshrined in the Charter are effectively protected

Or. en

**Amendment 606**  
**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) set out ***uniform*** rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

*Amendment*

(b) set out ***harmonised*** rules for a safe, ***accessible***, predictable and trusted online environment, where fundamental rights enshrined in the Charter, ***including a high level of consumer protection***, are effectively protected.

Or. en

**Amendment 607**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) set out uniform rules for a safe,

*Amendment*

(b) set out uniform rules for a safe,

predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

*accessible*, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected *and enforced*.

Or. en

#### **Amendment 608**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Article 1 – paragraph 2 – point b**

###### *Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

###### *Amendment*

(b) set out uniform *harmonised* rules for a safe, predictable, *accessible* and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected

Or. en

#### **Amendment 609**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 1 – paragraph 2 – point b**

###### *Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

###### *Amendment*

(b) set out uniform rules for a safe, *accessible*, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en



**Amendment 610**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

*Amendment*

(b) set out uniform rules for a safe, **accessible**, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

**Amendment 611**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

*Amendment*

(b) set out uniform rules for a safe, **accessible**, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

**Amendment 612**  
**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the

*Amendment*

(b) set out uniform rules for a safe, **accessible**, predictable and trusted online environment, where fundamental rights

Charter are effectively protected.

enshrined in the Charter are effectively protected.

Or. en

### *Justification*

*For consistency with relevant EU legislation promoting accessibility for persons with disabilities, it is necessary to reference Directive (EU)2019/882 (European Accessibility Act and the revised Audiovisual Services Directive (EU) 2018/1808.*

### **Amendment 613**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) set out ***uniform*** rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

##### *Amendment*

(b) set out ***harmonised*** rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

### **Amendment 614**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 2 – point b – point i (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***i) facilitate innovations, support digital transition, encourage economic growth and create a level playing field for digital services within the internal market while strengthening consumer protection and contributing to increased consumer choice.***

**Amendment 615**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 1 – paragraph 2 – point b – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

- 1) Establish a foundation that allows the creation of a European platform economy and facilitates the build-up of digital resilience within the Union.**

Or. en

**Amendment 616**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 1 – paragraph 2 – point b – point 2 (new)**

*Text proposed by the Commission*

*Amendment*

- 2) protect consumers making use of the services falling under this Regulation.**

Or. en

**Amendment 617**

**Karen Melchior**

**Proposal for a regulation**

**Article 1 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

- (ba) facilitate innovation, support digital transition, encourage economic growth and an investment climate to create a level playingfield for digital services within the internal market that**

*respect and promote fundamental rights  
enshrined in the Charter*

Or. en

**Amendment 618**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) establish a high level of consumer  
protection, product safety and design the  
provision of intermediary services with the  
best interests of the child.*

Or. en

**Amendment 619**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) achieve a high level of consumer  
protection in the Digital Single Market.*

Or. en

**Amendment 620**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. This Regulation shall apply to

3. This Regulation shall apply to

intermediary services provided to recipients of the service *that have their place of establishment or residence in the Union*, irrespective of the place of establishment of the providers of those services.

intermediary services provided to recipients of the service irrespective of the place of establishment of the providers of those services.

Or. en

**Amendment 621**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services.

*Amendment*

3. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union *and traders*, irrespective of the place of establishment of the *traders or* providers of those services.

Or. en

*Justification*

*need to clarify that traders are also in the scope even if they are established outside the EU, as far as they target EU markets.*

**Amendment 622**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

3. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the

*Amendment*

3. This Regulation shall apply to intermediary services *directed at and* provided to recipients of the service that have their place of establishment or

Union, irrespective of the place of establishment of the providers of those services.

residence in the Union, irrespective of the place of establishment of the providers of those services.

Or. en

*Justification*

*The Scope must be clear in that it only applies to services directed at the Union. The mere lack of geoblocking should not be seen as providing a service to the Union.*

**Amendment 623**

**Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs, Marco Zullo, Jordi Cañas**

**Proposal for a regulation**

**Article 1 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. This Regulation is without prejudice to the rules laid down by the following:

*Amendment*

5. This regulation ***and its exception of liability of digital operators*** is without ***any*** prejudice to ***and does not hinder future regulation of in*** the rules laid down by the following:

Or. en

*Justification*

*It is important to ensure, that the DSA does not hinder further regulation in the sectorial legislation, e.g. the inclusion of online marketplaces in the scope of the various product safety, consumer protection and environmental rules, where they are not included today, as online platforms and online marketplaces are supposed to be regulated in the DSA.*

**Amendment 624**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**

**Article 1 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. This Regulation ***is without prejudice to*** the rules laid down by the following:

*Amendment*

5. This Regulation ***shall and will not affect*** the rules laid down by the following:

*Justification*

*The current wording leaves too much legal uncertainty as to which provisions apply when. Thus, it is of paramount importance to clarify here that sector-specific legislation - in particular when affecting the freedom and diversity of the media and areas covered by Art. 167 (4) TFEU (e.g. foster cultural & linguistic diversity) - prevails before horizontal rules as introduced with the Digital Services Act package.*

**Amendment 625**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

(b) Directive **2010/13/EC**;

(b) Directive **2010/13/EU as amended by Directive 2018/1808/EU**;

**Amendment 626**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

(b) Directive **2010/13/EC**;

(b) Directive **(EU) 2018/1808 and Directive (EU) 2019/882**;

*Justification*

*For consistency with relevant EU legislation promoting accessibility for persons with disabilities, it is necessary to reference Directive (EU)2019/882 (European Accessibility Act and the revised Audiovisual Services Directive (EU) 2018/1808.*



**Amendment 627**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) Directive **2010/13/EC**;

*Amendment*

(b) Directive **2018/1808**;

Or. en

*Justification*

*Technical amendment*

**Amendment 628**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) Audiovisual Services Directive  
(EU) 2018/1808.**

Or. en

**Amendment 629**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,  
Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) Directive (EU) 2019/882**

Or. en

**Amendment 630**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 1 – paragraph 5 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) Directive (EU) 2019/882  
(European Accessibility Act).**

Or. en

**Amendment 631**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Marco Zullo,  
Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 1 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) Union law on copyright and related rights;

(c) Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market;***

Or. en

**Amendment 632**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**  
**Article 1 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) Union law on copyright and related rights;

(c) Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market;***

Or. en

### Amendment 633

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### Proposal for a regulation

##### Article 1 – paragraph 5 – point c

*Text proposed by the Commission*

(c) **Union law** on copyright and related rights;

*Amendment*

(c) **Directive(EU) 2019/790** on copyright and related rights **in the Digital Single Market**

Or. en

### Amendment 634

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

#### Proposal for a regulation

##### Article 1 – paragraph 5 – point h

*Text proposed by the Commission*

(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;

*Amendment*

(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, **Regulation (EU) 2019/1020 and Regulation XXX (General Product Safety Regulation)**;

Or. en

### Amendment 635

Alex Agius Saliba

#### Proposal for a regulation

##### Article 1 – paragraph 5 – point i

*Text proposed by the Commission*

(i) Union law on the protection of personal data, in particular Regulation

*Amendment*

(i) Union law on the protection of personal data **and privacy**, in particular

(EU) 2016/679 and Directive 2002/58/EC.

Regulation (EU) 2016/679 and Directive 2002/58/EC.

Or. en

*Justification*

*important clarification for legal certainty.*

**Amendment 636**

**Brando Benifei, Christel Schaldemose, Monika Beňová**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU) 2020/1828;**

Or. en

**Amendment 637**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 1 – paragraph 5 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU) 2019/882.**

Or. en

**Amendment 638**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU) 2019/882**

Or. en

*Justification*

*Web Accessibility Directive*

**Amendment 639**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 1 – paragraph 5 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

**(ia) Directive 2018/1972/EC**

Or. en

*Justification*

*Certain aspects of Interpersonal communication Services which are not related to the DSA already fall within the regulatory scope of the EECDD. Reference to this Directive should therefore, be included.*

**Amendment 640**  
**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Article 1 – paragraph 5 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU) 2019/882**

Or. en

*Justification*

*Reference to the Accessibility Act*

**Amendment 641**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point i b (new)**

*Text proposed by the Commission*

*Amendment*

**(ib) Directive 2013/11/EU**

Or. en

*Justification*

*Reference to the Consumer ADR Directive should be included.*

**Amendment 642**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall by [within one year of the adoption of this Regulation] publish guidelines with regards to the relations between this Regulation and those legislative acts listed in Article 1(5). These guidelines shall clarify any potential conflicts between the conditions and obligations enlisted in these legislative acts and which act prevails where actions, in line with this Regulation, fulfil the obligations of another legislative act and which regulatory authority is competent.**

Or. en

*Justification*

*Guidelines are need to understand the interplay between the different pieces of legislation.*

**Amendment 643**

**Petra Kammerevert, Evelyne Gebhardt, Sylvie Guillaume, Christel Schaldemose**

**Proposal for a regulation**

**Article 1 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. This Regulation shall not affect the possibility of Member States to adopt new legislation as well as to take regulatory measures, especially with regard to intermediary service providers that serve a legitimate public interest, in particular to protect the freedom of information and media or to foster the diversity of media and opinion or of cultural and linguistic diversity.***

Or. en

**Amendment 644**

**Maria Grapini, Marc Angel, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 1a***

***Contractual provisions***

***1. Any contractual provisions between an intermediary service provider and a trader, business user, or a recipient of its service which are contrary to this Regulation shall be unenforceable.***

***2. This Regulation shall apply irrespective of the law applicable to contracts concluded between providers of intermediary services and a recipient of***



*the service, a consumer, a trader or business user.*

Or. en

**Amendment 645**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 1a**

***No circumvention of the rules set out in this Regulation***

***1. Any contractual provision between an intermediary service provider and a recipient of its service, between an intermediary service provider and a trader or between a recipient of its service and a trader, which is contrary to this Regulation, is invalid.***

***2. This Regulation shall apply irrespective of the law applicable to contracts.***

Or. en

**Amendment 646**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Brando Benifei, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 1a**

**Objective**

***The aim of this Regulation is to contribute to the proper functioning of the internal market by setting out harmonised rules***

*for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.*

Or. en

*Justification*

*Article 1 of a Regulation should explain its ultimate objectives and the link with the legal basis, and not only provide a table of contents. The current wording of Article 1 summarises the “what” of the DSA. We propose a self-standing Article 1a explaining the “why”. It is also in line with Better Regulation principles (transparency with respect to the will of the legislator, interpretation of the regulation by judges etc.).*

**Amendment 647**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service;

*Amendment*

(b) ‘recipient of the service’ means any natural or legal person who, **for professional reasons or otherwise**, uses the relevant intermediary service **in particular for the purposes of seeking information or making it accessible**;

Or. en

**Amendment 648**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service;

*Amendment*

(b) ‘recipient of the service’ means any natural or legal person who, **for professional ends or otherwise**, uses the

relevant intermediary service *for seeking information or making it accessible*;

Or. en

*Justification*

*This is in line with the JURI INL (P9\_TA(2020)0273) and to make the definition coherent with the ECD.*

**Amendment 649**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) 'active end user' means an individual successfully accessing an online interface and having significant interaction with it, its product or service;*

Or. en

**Amendment 650**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) 'consumer' means any natural person who is acting for purposes which are outside his or her trade, business or profession;

(c) 'consumer' means any natural person who is acting for purposes which are outside his or her trade, business, *craft*, or profession;

Or. en

## Amendment 651

Alex Agius Saliba, Christel Schaldemose

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business or profession;

*Amendment*

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, ***craft*** or profession;

Or. en

*Justification*

*the AM aims to keep the definition consistent with other EU laws*

## Amendment 652

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business or profession;

*Amendment*

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, ***craft*** or profession;

Or. en

## Amendment 653

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d – introductory part

*Text proposed by the Commission*

(d) «fournir des services à l’intérieur de l’Union», permettre aux personnes physiques ou morales dans un ou plusieurs

*Amendment*

(d) «fournir des services à l’intérieur de l’Union», permettre aux personnes physiques ou morales dans un ou plusieurs

États membres d'utiliser les services du fournisseur de services de la société de l'information *qui a un lien substantiel avec l'Union; un tel lien substantiel avec l'Union est réputé exister lorsque le fournisseur de services dispose d'un établissement dans l'Union; dans le cas contraire, l'appréciation d'un lien substantiel se fonde sur des critères factuels spécifiques, tels que:*

États membres d'utiliser les services du fournisseur de services de la société de l'information.

Or. fr

#### **Amendment 654**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point d – introductory part**

##### *Text proposed by the Commission*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is *deemed to exist* where *the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:*

##### *Amendment*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is *given* where *activities are targeted towards one or more Member states.*

Or. en

#### **Amendment 655**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point d – introductory part**

*Text proposed by the Commission*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on *specific factual criteria, such as:*

*Amendment*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on

Or. en

**Amendment 656**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

— *un nombre significatif d'utilisateurs dans un ou plusieurs États membres, ou;*

*Amendment*

*supprimé*

Or. fr

**Amendment 657**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

— *a significant number of users in one or more Member States; or*

*Amendment*

*deleted*

Or. en

**Amendment 658**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

*Amendment*

— *a significant number of users in one or more Member States; or* ***deleted***

Or. en

**Amendment 659**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

*Amendment*

— *a significant number of users in one or more Member States; or* ***deleted***

Or. en

*Justification*

*As "significant number of users" is a vague concept that doesn't provide legal clarity.*

**Amendment 660**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

*Amendment*

— a significant number of users in one or more Member States; or — a significant number of users in one or more Member States ***compared to their***



*total population; or*

Or. en

**Amendment 661**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

*Amendment*

— a significant number of *users* in one or more Member States; or

— a significant number of *average monthly active recipients* in one or more Member States; or

Or. en

*Justification*

*A Significant number should be more defined and not based on all users, but active recipients*

**Amendment 662**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 2**

*Text proposed by the Commission*

*Amendment*

— *the targeting of activities towards one or more Member States.*

*deleted*

Or. en

**Amendment 663**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 2**

*Text proposed by the Commission*

*Amendment*

— *le ciblage des activités sur un ou plusieurs États membres.*

*supprimé*

Or. fr

**Amendment 664**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 2**

*Text proposed by the Commission*

*Amendment*

— *the targeting* of activities towards one or more Member States.

— *the proactive directing* of activities towards one or more Member States.

Or. en

*Justification*

*The mere lack of geoblocking should not be seen as directing one's activities. Moreover the term "directing" instead of "targeting" is what is found in Rome I and Brussels I*

**Amendment 665**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – indent 2**

*Text proposed by the Commission*

*Amendment*

— the *targeting* of activities towards one or more Member States.

— the *directing* of activities towards one or more Member States.

Or. en

*Justification*

*In line with existing legislation.*

**Amendment 666**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoș Pîslaru, Milan Brglez, Alex Agius Saliba, Brando Benifei, Ioan-Rareș Bogdan, Josianne Cutajar, Eva Kaili**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) ‘child’ means any natural person under the age of 18;**

Or. en

**Amendment 667**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession, ***irrespective of the legality of those actions;***

Or. en

*Justification*

*Traders in Illegal goods are still traders.*

**Amendment 668**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is **acting**, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

*Amendment*

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is **offering goods or services**, including through any person acting in his or her name or on his or her behalf, for purposes **directly** relating to his or her trade, business, craft or profession;

Or. en

*Justification*

*Aligns the text more closely with the E-Commerce Directive, to avoid confusion.*

**Amendment 669**

**Arba Kokalari, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Marion Walsmann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) ‘trader’ means **any natural person, or** any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

*Amendment*

(e) ‘trader’ means any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

Or. en

*Justification*

*To exclude private individuals from obligations for traders.*

**Amendment 670**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Tomasz Frankowski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

- (ea) ‘business customer’ means:**
- legal entities, except any entity which qualifies as a large undertaking as defined in Article 3(4) of Directive 2013/34 of the European Parliament and the Council;**
  - any natural person that purchases a type or amount of service indicative of, or otherwise indicates, the intent to operate a business online or contracts for the purchase of more than €10,000 of services provided by the intermediary service provider in a one-year period;**

Or. en

**Amendment 671**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point f – introductory part**

*Text proposed by the Commission*

*Amendment*

(f) ‘intermediary service’ means one of the following services:

(f) ‘intermediary service’ means one of the following **information society** services:

Or. en

**Amendment 672**

**Geoffroy Didier, Sabine Verheyen, Tomasz Frankowski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point f – introductory part**

*Text proposed by the Commission*

(f) ‘intermediary service’ means one of the following services:

*Amendment*

(f) ‘intermediary service’ means one of the following **information society** services:

Or. en

**Amendment 673**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – indent 1**

*Text proposed by the Commission*

— a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network;

*Amendment*

— a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, **including technical auxiliary functional services**;

Or. en

**Amendment 674**

**Kosma Złotowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – indent 3**

*Text proposed by the Commission*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;

*Amendment*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service, **unless this activity is an ancillary and additional feature of another service which is not an information society service and cannot, for objective or technical reasons, be provided independently of it**;

**Amendment 675**

**Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – indent 3**

*Text proposed by the Commission*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;

*Amendment*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service ***and which does not have any active role in data processing;***

Or. en

**Amendment 676**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – indent 3**

*Text proposed by the Commission*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;

*Amendment*

— a ‘hosting’ service that consists of the ***storage or the allowance of*** storage of information provided by, and at the request of, a recipient of the service;

Or. en

**Amendment 677**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***an ‘online search engine’ as***



*defined in point (5) of Article 2 of  
Regulation (EU) 2019/1150;*

Or. en

**Amendment 678**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- *an online platform as defined in  
point (h) of this Regulation;*

Or. en

**Amendment 679**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) live streaming platform services  
shall be defined as information society  
services of which the main or one of the  
main purposes is to give the public access  
to audio or video material that is live  
broadcasted by its users, which it  
organises and promotes for profit-making  
purposes;*

Or. en

**Amendment 680**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

**(fb) private messaging services shall be defined as number-independent interpersonal communications services as defined in Article 2(7) of Directive (EU) 2018/1972, excluding transmission of electronic mail as defined in Article 2 (h) of Directive 2002/58/EC;**

Or. en

**Amendment 681**  
**Tomislav Sokol, Ivan Štefanec, Pablo Arias Echeverría**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

(g) ‘illegal content’ means any information which, in itself or by its reference to an activity, including the sale of products or provision of services **but in particular fake online profile account**, is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en

**Amendment 682**  
**Marc Angel, Christel Schaldemose, Maria Grapini, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) ‘illegal content’ means any information,, which, in itself or by its

(g) ‘illegal content’ means any information,, which, in itself or by its

reference to an activity, including the sale of products or provision of services is not in compliance with Union law or *the* law of a Member State, irrespective of the precise subject matter or nature of that law;

reference to an activity, including the sale of products or provision of services is not in compliance with Union law or *with a* law of a Member State *where it is in conformity with Union law*, irrespective of the precise subject matter or nature of that law;

Or. en

#### *Justification*

*Any national law defining illegal content needs to be in conformity with Union law. In case a national law is not in conformity with Union law, illegal content as defined in that national law shall not be covered by the definition in the DSA – otherwise the DSA (i.e. Union law) would make that illegal content lawful. This modification is also in line with suggested AM to Recital 12.*

#### **Amendment 683**

**Alex Agius Saliba, Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point g**

##### *Text proposed by the Commission*

(g) ‘illegal content’ means any information, which, in itself or by its reference to an activity, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

##### *Amendment*

(g) ‘illegal content’ means any information, which, in itself or by its reference to an activity, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State *that is in conformity with Union law and* irrespective of the precise subject matter or nature of that law;

Or. en

#### *Justification*

*National law for removal of illegal content should always be compliant with Union law.*

#### **Amendment 684**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services is **not in** compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

*Amendment*

(g) ‘**allegedly** illegal content’ means any information, which, in itself or by its reference to an activity, including the sale of products or provision of services is **subject to allegations of non** compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en

*Justification*

*To ensure more precision and allow greater proportionality concerning actions from providers, a distinction between manifestly illegal and allegedly illegal should be made. Moreover, allegedly illegal content and manifestly illegal content are being used throughout the text without there being a definition (Article 13, recital 47 and Article 20) so introducing this definition is necessary.*

**Amendment 685**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ‘illegal content’ means any information,, **which, in itself or by its reference to an** activity, including the sale of products or provision of services is not in compliance with Union law or the **law** of a Member State, **irrespective of the precise subject matter or nature of that law;**

*Amendment*

(g) ‘illegal content’ means any information **or** activity, including the sale of products or provision of services **which** is not in compliance with Union law or the **criminal, administrative or civil legal framework** of a Member State.

Or. en

## Amendment 686

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

##### *Text proposed by the Commission*

(g) ‘illegal content’ means any information,, **which, in itself or by its reference to an activity**, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

##### *Amendment*

(g) ‘illegal content’ means any information, including the sale of products or provision of services **which** is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en

##### *Justification*

*To clarify the definition of illegal content so it does not include content only depicting or referring to illegal activities.*

## Amendment 687

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

##### *Text proposed by the Commission*

(g) «contenu **illicite**», toute information qui, en soi ou de par sa référence à une activité, y compris la vente de produits ou la prestation de services, n'est pas conforme au droit de l'Union ou au droit d'un État membre, quel qu'en soit l'objet précis ou la nature précise;

##### *Amendment*

(g) «contenu **illégal**», toute information qui, en soi ou de par sa référence à une activité, y compris la vente de produits ou la prestation de services, n'est pas conforme au droit de l'Union ou au droit d'un État membre, quel qu'en soit l'objet précis ou la nature précise;

Or. fr

## Amendment 688

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ‘illegal content’ means any information,, which, in itself or by its reference to **an** activity, **including the sale of products or provision of services** is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

*Amendment*

(g) ‘illegal content’ means any information which, in itself or by its reference to **illegal content, products, services or** activity, is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en

**Amendment 689**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ‘illegal content’ means any information,, **which, in itself or by its reference to an** activity, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

*Amendment*

(g) ‘illegal content’ means any **specific** information **or** activity, including the sale of products or provision of services, **which** is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en

**Amendment 690**

**Carlo Fidanza**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g – point i (new)**

*Text proposed by the Commission*

*Amendment*

**i) "contenuto potenzialmente nocivo": contenuto di cui non è ragionevolmente certa l'illiceità, ma che**

*contiene indicatori sospetti.*

Or. it

**Amendment 691**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) ‘manifestly illegal content’ means any information which has been subject of a specific ruling by a court or administrative authority of a Member State or where it is evident to a layperson, without any substantive analysis, that the content is in not in compliance with Union law or the law of a Member State;***

Or. en

*Justification*

*See above, there should be a definition, wording borrowed from recital 47.*

**Amendment 692**

**Geert Bourgeois**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g bis) ‘illegale inhoud die verband houdt met ernstige misdrijven’: alle informatie die op zichzelf of door verwijzing naar een activiteit, met inbegrip van de verkoop van producten of het leveren van diensten, voorkomt op de lijst van ‘ernstige misdrijven’ opgenomen in Bijlage I.***

Or. nl



**Amendment 693**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(g ter) 'manifest illegale inhoud': inhoud waarvan het voor een leek zonder enig inhoudelijk onderzoek duidelijk is dat de inhoud illegaal is.***

Or. nl

**Amendment 694**  
**Andrea Caroppo, Salvatore De Meo**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

(h) 'online platform' means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

(h) 'online platform' means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, ***with the exception of services provided by cooperative organisations exclusively to their members established in the European Union with whom they have a direct organisational, cooperative, associative or capital ownership link within the framework of an organised distribution network operating publicly under a common brand***, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

Or. en

## Amendment 695

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

### Proposal for a regulation

#### Article 2 – paragraph 1 – point h

##### *Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

##### *Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service ***with which it has a direct relationship*** stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation. ***For the purpose of this Regulation, cloud computing service shall not be considered to be an online platform in cases where allowing the dissemination of hyperlinks to a specific content constitutes a minor and ancillary feature.***

Or. en

##### *Justification*

*Cloud Computing Infrastructure should not be seen as an online platform*

## Amendment 696

Maria Grapini

### Proposal for a regulation

#### Article 2 – paragraph 1 – point h

##### *Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and

##### *Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service:

disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

*(a) stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation, or*

*(b) interacts with user generated content, or*

*(c) retains available technical capabilities to address the problem in most expedient and proportionate manner.*

Or. en

#### **Amendment 697**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point h**

##### *Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the

##### *Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the

applicability of this Regulation.

applicability of this Regulation.  
***Infrastructure services such as webhosting or cloud service providers shall not be covered by the definition of online platforms;***

Or. en

### **Amendment 698**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point h**

###### *Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor ***and*** purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

###### *Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor ***or a*** purely ancillary feature of another ***service or functionality of the principal*** service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature ***or functionality*** into the other service is not a means to circumvent the applicability of this Regulation.

Or. en

### **Amendment 699**

**Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point h**

###### *Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, ***at the request of a recipient of the service***, stores and disseminates to the public information, unless that activity is a minor and purely

###### *Amendment*

(h) ‘online platform’ means a provider of a hosting service which stores and disseminates to the public information ***and optimises its content***, unless that activity is a minor and purely ancillary feature of ***the***

ancillary feature of **another** service and, for objective and technical reasons cannot be used without that **other** service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

**main** service and, for objective and technical reasons cannot be used without that **main** service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation;

Or. en

**Amendment 700**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha) ‘editorial platform’ means an intermediary service which is in connection with a press publication within the meaning of Article 2(4) of Directive (EU) 2019/790 or another editorial media service and which allows users to discuss topics generally covered by the relevant media or to comment editorial content and which is under the supervision of the editorial team of the publication or other editorial media.**

Or. en

*Justification*

*Newspapers and magazines depend on the possibility to offer third parties, their readers, the ability to comment or contribute to comment sections, editorial forums and communities in the context of their publications. These offerings are intermediary services according to the DSA. Such services are not merely optional add-ons that can be discontinued without any effect on the publications’ journalistic and economic success. Rather, they are usually integral parts of the publication, indispensable to enable readers to engage in discussions with each other and with the editorial team. The proposed content control obligations of Chapter III DSA would create disproportionate and impossible burdens for those editorial platforms and jeopardise editorial freedom. These platforms generally don’t provide any direct revenue to publishers and therefore any additional burden would render them impossible to operate. As a result, spaces for qualitative and serious discussions online would be diminished and the gatekeeper platforms would entrench their control over the formation of opinion online.*

**Amendment 701**  
**Leszek Miller**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) ‘editorial platform’ means an intermediary service which is in connection with a press publication within the meaning of Article 2(4) of Directive (EU) 2019/790 or another editorial media service and which allows users to discuss topics generally covered by the relevant media or to comment editorial content and which is under the supervision of the editorial team of the publication or other editorial media.***

Or. en

**Amendment 702**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) ‘very large onlineplatform’ means a provider of a hosting service which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3;***

Or. en

**Amendment 703**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha)** ‘online social networking service’ means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations;

Or. en

**Amendment 704**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha)** ‘online marketplace’ means an online platform that allows consumers to conclude distance contracts with other traders or consumers on their platform;

Or. en

**Amendment 705**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha)** ‘cloud computing service’ means a digital service that enables access to a scalable and elastic pool of shareable



*computing resources;*

Or. en

**Amendment 706**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) “online marketplace” means an online platform which allows consumers to conclude distance contracts with other traders or consumers;*

Or. en

**Amendment 707**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) ‘online marketplace’ means an online platform allowing consumers to conclude distance contracts with traders;*

Or. en

**Amendment 708**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h b (new)**

*Text proposed by the Commission*

*Amendment*

*(hb) ‘live streaming platform service’*

*means an information society service the main or one of the main purposes of which is to give the public access to audio or video material that is broadcasted live by its users, which it organises and promotes for profit-making purposes;*

Or. en

**Amendment 709**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point h c (new)**

*Text proposed by the Commission*

*Amendment*

*(hc) ‘private messaging service’ means a number-independent interpersonal communications service as defined in Article 2(7) of Directive (EU) 2018/1972, excluding transmission of electronic mail as defined in Article 2(h) of Directive 2002/58/EC.*

Or. en

*Justification*

*The scope of the DSA should be clarified in order to explicitly target three types of services that play a major role in the dissemination of content: search engines, live-streaming services of user-generated content and messaging services. These three categories of services should be subject, firstly, to the obligations currently provided for all intermediary services, and secondly, to the risk assessment and mitigation obligations applied to very large platforms, when they exceed the relevant thresholds. Live-streaming services and messaging services should also fall under certain obligations applicable to hosting services and online platforms, to the extent that these obligations can be applied to them.*

**Amendment 710**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;

*Amendment*

(i) ‘dissemination to the public’ means ***taking an active role in*** making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;

Or. en

**Amendment 711**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;

*Amendment*

(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a ***significant and*** potentially unlimited number of third parties;

Or. en

**Amendment 712**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) ‘dissemination to the public’ means making information ***available***, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;

*Amendment*

(i) ‘dissemination to the public’ means making information ***accessible***, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;

Or. en

*Justification*

*This terminology brings it more closely in line with the ECD: “in particular for the purposes of seeking information or making it accessible;”*

**Amendment 713**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*(ia) ‘online marketplace’ means an online platform which facilitates traders to access consumers, advertises their offer and redirects to their profile or website, regardless of whether the transaction is finalised on the platform or outside the platform;*

Or. en

**Amendment 714**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*(ia) ‘online marketplace’ means an online platform which allows consumers to conclude distance contracts with traders on its platform;*

Or. en

**Amendment 715**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications;

*Amendment*

(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications ***which enables recipients of the service to access and interact with the relevant intermediary service;***

Or. en

**Amendment 716**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(ka) ‘trusted flagger’ means an entity that has been nominated by a Digital Services Coordinator based on specific conditions to be authorised to issue priority notifications as to illegal content found on a platform.***

Or. en

**Amendment 717**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) ‘advertisement’ means information designed to promote ***the message*** of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online

*Amendment*

(n) ‘advertisement’ means information designed to promote ***or sponsor information, products or services*** of a legal or natural person, irrespective of whether to achieve commercial or non-

platform on its online interface against remuneration specifically for promoting that information;

commercial purposes, and displayed *or communicated aurally* by an online platform *or parts thereof* on its online interface against *direct or indirect* remuneration specifically for promoting that information, *product or service*;

Or. en

#### *Justification*

*AM aims to create legal certainty and include all new forms of advertising.*

#### **Amendment 718**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point n**

##### *Text proposed by the Commission*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that *information*;

##### *Amendment*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether *the person is incorporated or unincorporated and irrespective of whether the information is designed* to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface *normally* against remuneration specifically for promoting that *message*;

Or. en

#### **Amendment 719**

**Jiří Pospíšil**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface ***against remuneration specifically for promoting that information;***

*Amendment*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface;

Or. en

**Amendment 720**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that information;

*Amendment*

(n) ‘advertisement’ means information designed ***and disseminated*** to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically ***in exchange*** for promoting that information;

Or. en

**Amendment 721**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point n**



*Text proposed by the Commission*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface **against remuneration** specifically for promoting that information;

*Amendment*

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface specifically for promoting that information;

Or. en

**Amendment 722**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point o**

*Text proposed by the Commission*

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

*Amendment*

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest, **prioritise or rank** in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Or. en

**Amendment 723**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point p**

*Text proposed by the Commission*

(p) ‘content moderation’ means the activities undertaken by providers of

*Amendment*

(p) ‘content moderation’ means the activities undertaken by providers of

intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

intermediary services, **regardless of whether they are automated or processed by a person, which are** aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

Or. en

#### **Amendment 724**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point p**

##### *Text proposed by the Commission*

(p) 'content moderation' means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

##### *Amendment*

(p) 'content moderation' means the activities, **either through automated or manual means**, undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility, **monetisation** and accessibility of that illegal content or that information, such as demotion, disabling of access to, **delisting, demonetisation** or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

Or. en

**Amendment 725**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point p**

*Text proposed by the Commission*

(p) “inhoudsmoderatie”: de door aanbieders van tussenhandelsdiensten uitgevoerde activiteiten die gericht zijn op het opsporen, identificeren en aanpakken van illegale inhoud of informatie die niet verenigbaar is met hun algemene voorwaarden, die wordt verstrekt door afnemers van de dienst, met inbegrip van maatregelen die gevolgen hebben voor de beschikbaarheid, zichtbaarheid en toegankelijkheid van die illegale inhoud of die informatie, zoals demotie, uitschakeling van toegang ertoe, of verwijdering ervan, of voor de mogelijkheid van afnemers om die informatie te verstrekken, zoals de beëindiging of opschorting van een account van een afnemer;

*Amendment*

(p) “inhoudsmoderatie”: ***binnen de grenzen van de door deze verordening vastgestelde regels***, de door aanbieders van tussenhandelsdiensten uitgevoerde activiteiten die gericht zijn op het opsporen, identificeren en aanpakken van illegale inhoud of informatie die niet verenigbaar is met hun algemene voorwaarden, die wordt verstrekt door afnemers van de dienst, met inbegrip van maatregelen die gevolgen hebben voor de beschikbaarheid, zichtbaarheid en toegankelijkheid van die illegale inhoud of die informatie, zoals demotie, uitschakeling van toegang ertoe, of verwijdering ervan, of voor de mogelijkheid van afnemers om die informatie te verstrekken, zoals de beëindiging of opschorting van een account van een afnemer;

Or. nl

**Amendment 726**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point p**

*Text proposed by the Commission*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their

*Amendment*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their

terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account, ***be it through automated means or human operators***;

Or. en

### *Justification*

*The amendment seeks to clarify the actors in the content moderation procedure. Language is based on the JURI INL (P9\_TA(2020)0273) report.*

## **Amendment 727**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point p**

##### *Text proposed by the Commission*

(p) «modération des contenus», les activités entreprises par les fournisseurs de services intermédiaires destinées à détecter et à repérer les contenus ***illicites ou les informations incompatibles avec leurs conditions générales***, fournis par les bénéficiaires du service, et à lutter contre ces contenus ou informations, y compris les mesures prises qui ont une incidence sur la disponibilité, la visibilité et l'accessibilité de ces contenus ***illicites*** ou informations, telles que leur rétrogradation, leur retrait ou le fait de les rendre inaccessibles, ou sur la capacité du bénéficiaire à fournir ces informations, telles que la suppression ou la suspension du compte d'un utilisateur;

##### *Amendment*

(p) «modération des contenus», les activités entreprises par les fournisseurs de services intermédiaires destinées à détecter et à repérer les contenus ***illégaux*** fournis par les bénéficiaires du service, et à lutter contre ces contenus ou informations, y compris les mesures prises qui ont une incidence sur la disponibilité, la visibilité et l'accessibilité de ces contenus ***illégaux*** ou informations, telles que leur rétrogradation, leur retrait ou le fait de les rendre inaccessibles, ou sur la capacité du bénéficiaire à fournir ces informations, telles que la suppression ou la suspension du compte d'un utilisateur;

Or. fr

## Amendment 728

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Róza Thun und Hohenstein, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler

### Proposal for a regulation

#### Article 2 – paragraph 1 – point p

##### *Text proposed by the Commission*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;

##### *Amendment*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, **demonetisation**, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;

Or. en

## Amendment 729

Jiří Pospíšil

### Proposal for a regulation

#### Article 2 – paragraph 1 – point p

##### *Text proposed by the Commission*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal

##### *Amendment*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal

content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

content or that information, such as demotion, **prevention**, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

Or. en

### Amendment 730

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### Proposal for a regulation

##### Article 2 – paragraph 1 – point p a (new)

*Text proposed by the Commission*

*Amendment*

**(pa)** *'deep fake' means a generated or manipulated image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful;*

Or. en

### Amendment 731

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

#### Proposal for a regulation

##### Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

*Amendment*

(q) 'terms and conditions' means all terms and conditions or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.

(q) 'terms and conditions' means all terms and conditions or specifications **by the service provider**, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services, **and are unilaterally determined by the provider of online intermediary services and that**

*unilateral determination of terms and conditions is being evaluated on the basis of an overall assessment for which the relative size of the parties concerned, the fact that a negotiation took place, or that certain provisions thereof might have been subject to such a negotiation and determined together by the relevant provider and recipient are not, in themselves, decisive; or the rules laid down by the intermediary service provider under which users will be allowed to use the intermediation service concerned.*

Or. en

*Justification*

*Wording from the P2B Regulation*

**Amendment 732**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q**

*Text proposed by the Commission*

(q) «conditions générales», toutes les conditions générales ou spécifications, quelle que soit leur dénomination ou leur forme, qui régissent la relation contractuelle entre le fournisseur de services intermédiaires et les bénéficiaires des services.

*Amendment*

(q) «conditions générales», toutes les conditions générales ou spécifications, quelle que soit leur dénomination ou leur forme, qui régissent la relation contractuelle entre le fournisseur de services intermédiaires et les bénéficiaires des services. ***Les fournisseurs de service en ligne ne peuvent pas exiger davantage, dans leurs conditions en ligne, que ce que la réglementation nationale prévoit là où le service est fourni.***

Or. fr

**Amendment 733**

**Martin Schirdewan, Anne-Sophie Pelletier**



**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

***(qa) overriding reasons of public interest’ means reasons recognised as such in the case law of the Court of Justice, including the following grounds: public policy; public security; public safety; public health; preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the protection of youth; fairness of trade transactions; combating fraud; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives; housing.***

Or. en

**Amendment 734**  
**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

***(qa) “media service provider” means the natural or legal person who has editorial responsibility for the content and services they offer, determines the manner in which it is organised, and complies with specific provisions or an audiovisual media service provider within the meaning of Article 1 paragraph 1(a) of Directive 2010/13/EU;***

Or. en

**Amendment 735**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) 'dark patterns' means an online interface or a part thereof that via its structure, function or manner of operation subverts or impairs the autonomy, decisions-making, or choice of recipients of the service.**

Or. en

**Amendment 736**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) 'online marketplace' means a service using software, including a website, part of a website or an application, operated by or on behalf of a trader which allows consumers to conclude distance contracts with other traders or consumers.**

Or. en

*Justification*

*This amendment brings the definition of online marketplaces of Directive (EU) 2019/2161 into the DSA to define the term used in other amendments suggested. It is important that 'online marketplace' is understood in a broad sense to ensure it is future-proof.*

**Amendment 737**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) ‘dark pattern’ means an online interface or apart thereof that via its structure, design or functionality subverts or impairs the autonomy, decision-making, preferences or choice of recipients of the service.**

Or. en

*Justification*

*Definition of dark patterns to accompany the corresponding amendment for Article 13a (new)*

**Amendment 738**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) ‘dark pattern’ means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making or choice.**

Or. en

*Justification*

*In line with the Parliament's position on the AI framework*

**Amendment 739**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) "persons with disabilities" means person within the meaning of Article 3(1) of Directive(EU) 2019/882;**

Or. en

**Amendment 740**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) ‘persons with disabilities’ means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882.**

Or. en

**Amendment 741**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

**(qb) ‘competent authority’ means any Member States’ legal and natural person that is designated by the Member States in accordance with their national law to carry out tasks which include tackling illegal content online, including law enforcement authorities and administrative authorities charged with enforcing law, irrespective of the nature or specific subject matter of that law, applicable in certain particular fields.**

**Amendment 742**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

***(qb) ‘persons with disabilities’ means persons with disabilities within the meaning of Article 3(1) of Directive (EU) 2019/882***

Or. en

**Amendment 743**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

***(qb) ‘persons with disabilities’ means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882;***

Or. en

*Justification*

*Defining ‘persons with disabilities’ will ensure that accessibility is interpreted in the meaning of the UN CRPD. This definition will also ensure consistency with existing Union legislation on accessibility of services and products, namely the European Accessibility Act.*

**Amendment 744**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q c (new)**

*Text proposed by the Commission*

*Amendment*

*(qc) ‘online market places’ means a service using software, including a website, part of a website or an application, operated by or on behalf of a trader, which allows consumer to conclude distance contracts with other traders or consumers, in accordance with Directive 2005/29/EC.*

Or. en

**Amendment 745**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q c (new)**

*Text proposed by the Commission*

*Amendment*

*(qc) ‘deep fake’ means a generated or manipulated image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful.*

Or. en

**Amendment 746**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak, Maria-Manuel Leitão-Marques, Paul Tang, Eva Kaili, Ismail Ertug, Evelyn Regner, Martin Schirdewan, Tiemo Wölken, Cornelia Ernst, Birgit Sippel, Alex Agius Saliba, Clare Daly**

**Proposal for a regulation**  
**Article 2 a (new)**

***Article 2a***

***1. Providers of information society services shall only deliver and display advertising that is based on contextual information such as keywords, language context, or the approximate geographical region of the recipient of the service to whom an advertisement is delivered or displayed.***

***2. The use of the contextual information referred to in paragraph 1 shall only be permissible if the advertisement is delivered in real time, that related data are not stored and that it does not involve the direct or, by means of combining it with other information, indirect identification of a natural person or group of persons, in particular by reference to an identifier such as a name, an identification number, precise location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person or group of persons.***

***3. Providers of information society services that deliver and display advertising on their online interfaces or on third-party services shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:***

***(a) that the information displayed is an advertisement;***

***(b) the natural or legal person on whose behalf the advertisement is displayed;***

***(c) detailed information about the main parameters used to determine the recipient to whom the advertisement is delivered and displayed.***



*Justification*

*In line with the IMCO INL P9\_TA(2020)0272, paragraph 33. The IMCO study published in June 2021 on online advertising has found that current targeted advertising practices are highly problematic from the perspective that they contribute to undermining consumer trust in digital markets. In addition, it found that “as harmful practices continue to evolve, they may work to impede some of the growth potential of the digital economy”. Small companies, traditional media services and other market participants increasingly report shrinking advertising revenue and are facing challenges as they are kept in the dark when it comes to the calculation of fees charged by various intermediaries along the advertising value chain. What is more, according to recent reports from the advertising industry, small businesses and large European companies alike are struggling with fraud in the online advertising market. F. Such fraudulent advertising practices are increasingly used in an anti-competitive way, such as fake clicks on competitors’ ads, impacting daily ad auction budgets, thereby capping the competitor’s potential market reach and brand awareness.*

**Amendment 747**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation****Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 2a****Conditionality to the compliance with due diligence obligations***

***Providers of intermediary services shall be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 when they do not comply with the due diligence obligations set out in Chapter III of this Regulation.***

**Amendment 748**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation****Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:

*Amendment*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, **or an improvement of the security of that transmission**, the service provider shall not be liable for the information transmitted, on condition that the provider:

Or. en

**Amendment 749**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. En cas de fourniture d'un service de la société de l'information consistant à transmettre, sur un réseau de communication, des informations fournies par un bénéficiaire du service ou à fournir un accès au réseau de communication, le fournisseur de services n'est pas responsable des informations transmises, à condition que le fournisseur:

*Amendment*

1. En cas de fourniture d'un service de la société de l'information consistant à transmettre, sur un réseau de communication, des informations fournies par un bénéficiaire du service ou à fournir un accès au réseau de communication, le fournisseur de services n'est **en principe** pas responsable des informations transmises, à condition que le fournisseur:

Or. fr

**Amendment 750**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. This Article shall not affect the

*Amendment*

3. This Article shall not affect the

possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

possibility for a court or *functionally independent* administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

#### **Amendment 751**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. En cas de fourniture d'un service de la société de l'information consistant à transmettre, sur un réseau de communication, des informations fournies par un bénéficiaire du service, le fournisseur n'est pas responsable du stockage automatique, intermédiaire et temporaire de cette information fait dans le seul but de rendre plus efficace la transmission ultérieure de l'information à la demande d'autres bénéficiaires du service, à condition que:

##### *Amendment*

1. En cas de fourniture d'un service de la société de l'information consistant à transmettre, sur un réseau de communication, des informations fournies par un bénéficiaire du service, le fournisseur n'est *en principe* pas responsable du stockage automatique, intermédiaire et temporaire de cette information fait dans le seul but de rendre plus efficace la transmission ultérieure de l'information à la demande d'autres bénéficiaires du service, à condition que:

Or. fr

#### **Amendment 752**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of

##### *Amendment*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of

the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:

the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient *or more secure* the information's onward transmission to other recipients of the service upon their request, on condition that:

Or. en

#### *Justification*

*caching services do not just store information, but also make be used to scan information for malware, viruses and other cybersecurity risks.*

#### **Amendment 753**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point a**

##### *Text proposed by the Commission*

(a) the provider does not modify the *information*;

##### *Amendment*

(a) the provider does not modify the *final content*;

Or. en

#### **Amendment 754**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

##### *Amendment*

1. Where an information society service is provided that consists of the *storage or the allowance of* storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on

condition that the provider:

Or. en

#### **Amendment 755**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. En cas de fourniture d'un service de la société de l'information consistant à stocker des informations fournies par un bénéficiaire du service, le fournisseur n'est pas responsable des informations stockées à la demande d'un bénéficiaire du service à condition que le fournisseur:

##### *Amendment*

1. En cas de fourniture d'un service de la société de l'information consistant à stocker des informations fournies par un bénéficiaire du service, le fournisseur n'est ***en principe*** pas responsable des informations stockées à la demande d'un bénéficiaire du service à condition que le fournisseur:

Or. fr

#### **Amendment 756**

**Geert Bourgeois**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point a**

##### *Text proposed by the Commission*

(a) de dienstverlener niet daadwerkelijk kennis heeft van ***de onwettige activiteit of*** illegale inhoud ***en, wanneer het een schadevergoedingsvordering betreft, geen kennis heeft van feiten of omstandigheden waaruit het onwettige karakter van de activiteit of de illegale inhoud duidelijk blijkt; of***

##### *Amendment*

(a) de dienstverlener niet daadwerkelijk kennis heeft van ***manifest*** illegale inhoud ***die verband houdt met ernstige misdrijven;***

Or. nl

**Amendment 757**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) n'ait pas effectivement connaissance de l'activité ou du contenu ***illicite*** et, en ce qui concerne une demande en dommages et intérêts, n'ait pas conscience de faits ou de circonstances révélant une activité ou un contenu ***illicite***,  
ou;

*Amendment*

(a) n'ait pas effectivement connaissance de l'activité ou du contenu ***illégal*** et, en ce qui concerne une demande en dommages et intérêts, n'ait pas conscience de faits ou de circonstances révélant une activité ou un contenu ***illégal***,  
ou;

Or. fr



**2020/0361(COD)**

8.7.2021

# **AMENDMENT 758 - 1011**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))





## Amendment 758

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) upon obtaining such knowledge or awareness, **acts** expeditiously **to remove or to disable** access to the illegal content.

*Amendment*

(b) upon obtaining such knowledge or awareness, expeditiously **and permanently removes or disables** access to the illegal content; **expeditiously means immediately or as fast as possible and in any event no later than within 30 minutes where the illegal content pertains to the broadcast of a live sports or entertainment event.**

Or. en

#### *Justification*

*Most of the economic value of the broadcast of a live sports or entertainment event lies in the live dimension and most of that value is lost when the event ends. In order to make the current system work for live content, the notion of 'expeditious' has to be clarified. Therefore, to keep enforcement meaningful, the removal or disabling of access to illegal broadcasts of live sports or entertainment events shall be done as quickly as possible and definitely before the end of the match or concert or live show etc. The Dutch District Court in The Hague clarified for the first time in the ECATEL case in 2018 that the removal of infringing live content has to be done within maximum 30 minutes. European Parliament resolution of 19 May 2021 with recommendations to the Commission on challenges of sports events organisers in the digital environment (2020/2073(INL)) asks for such clarification so that 'expeditiously' in this context is considered to mean immediately or as fast as possible and in any event no later than within 30 minutes of the receipt of the notification from right holders or from a certified trusted flagger.*

## Amendment 759

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) upon obtaining such knowledge **or**

*Amendment*

(b) upon obtaining such knowledge,

*awareness, acts expeditiously* to remove or to disable access to the illegal content.

*acts* to remove or to disable access to the illegal content *if the content or activity is to be deemed illegal under Article 2 (g)*.

Or. en

**Amendment 760**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) de dienstverlener, zodra hij *van het bovenbedoelde daadwerkelijk* kennis heeft *of beseft krijgt*, prompt handelt om *de* illegale inhoud te verwijderen of de toegang daartoe onmogelijk te maken.

*Amendment*

(b) de dienstverlener, zodra hij kennis heeft *van de manifest illegale inhoud die verband houdt met ernstige misdrijven*; prompt handelt om *deze* illegale inhoud te verwijderen of de toegang daartoe onmogelijk te maken;

Or. nl

**Amendment 761**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) upon obtaining such knowledge or awareness, acts *expeditiously* to remove or to disable access to the illegal content.

*Amendment*

(b) upon obtaining such knowledge or awareness, acts *without undue delay* to remove or to disable access to the illegal content.

Or. en

**Amendment 762**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) dès le moment où il en a connaissance ou conscience, agisse promptement pour retirer le contenu *illicite* ou rendre l'accès à celui-ci impossible.

*Amendment*

(b) dès le moment où il en a connaissance ou conscience, agisse promptement pour retirer le contenu *illégal* ou rendre l'accès à celui-ci impossible.

Or. fr

**Amendment 763**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1 bis. Voor de uitlegging van 'prompt' wordt steeds rekening gehouden met alle concrete omstandigheden, waaronder in het bijzonder de grootte van de dienstverlener en de middelen waarover hij beschikt of zou moeten beschikken.*

Or. nl

**Amendment 764**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.

2. Paragraph 1 shall not apply:

(a) where the recipient of the service is acting under the authority or the control of the provider;

(b) *to market places which are*

*considered to be very large platforms according to Article 25 and which do not comply with the Articles 11, 13, 14(1), 19(1), 22, 24 and 29 with regards to the due diligence obligations*

*(c) to very large platforms according to Article 25 if they do not comply with the obligations under Article 9 of this Regulation*

Or. en

#### **Amendment 765**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Brando Benifei, Monika Beňová, Marc Angel**

#### **Proposal for a regulation Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.

*Amendment*

2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority, ***decisive influence*** or the control of the provider.

Or. en

#### **Amendment 766**

**Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs**

#### **Proposal for a regulation Article 5 – paragraph 3**

*Text proposed by the Commission*

3. ***Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the***

*Amendment*

***deleted***

*specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.*

Or. en

#### *Justification*

*Article 5 (3) is one of the few articles in the DSA which deals with online marketplaces and consumer safety. The intention is to codify EJC-rulings. This is positive. However, the wording of 5 (3) is insufficient and it introduces new definitions and criteria replacing the well-established definitions in EU consumer legislation regarding “active”, “passive” and “targeting”. This creates legal uncertainty.*

#### **Amendment 767**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation** **Article 5 – paragraph 3**

##### *Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction ***at issue in a way that would lead an average and reasonably well-informed consumer*** to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

##### *Amendment*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control. ***In addition, the liability exemption in paragraph 1 shall not apply in case an online platform allows consumers to conclude distance contracts with third-country traders when there is no economic operator inside the Union***

*liable for the product safety on behalf of that trader.*

Or. en

#### **Amendment 768**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3**

##### *Text proposed by the Commission*

3. Le paragraphe 1 ne s'applique pas en ce qui concerne la responsabilité au titre de la législation relative à la protection des consommateurs applicable aux plateformes en ligne permettant aux consommateurs de conclure des contrats à distance avec des professionnels lorsqu'une plateforme en ligne présente l'information spécifique ou permet de toute autre manière la transaction spécifique en question de telle sorte qu'un consommateur moyen et normalement informé peut être amené à croire que les informations, le produit ou service faisant l'objet de la transaction sont fournis soit directement par la plateforme en ligne, soit par un bénéficiaire du service agissant sous son autorité ou son contrôle.

##### *Amendment*

3. Le paragraphe 1 ne s'applique pas en ce qui concerne la responsabilité au titre de la législation relative à la protection des consommateurs applicable aux plateformes en ligne permettant aux consommateurs de conclure des contrats à distance avec des professionnels lorsqu'une plateforme en ligne présente l'information spécifique ou permet de toute autre manière la transaction spécifique en question de telle sorte qu'un consommateur moyen et normalement informé peut être amené à croire que les informations, le produit ou service faisant l'objet de la transaction sont fournis soit directement par la plateforme en ligne, soit par un bénéficiaire du service agissant sous son autorité ou son contrôle.  
*Une procédure d'action récursoire est alors mise à la disposition de la plateforme en ligne à l'encontre du professionnel réellement responsable.*

Or. fr

#### **Amendment 769**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3**



*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability ***under consumer protection law*** of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead ***an average and reasonably well-informed*** consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

*Amendment*

3. Paragraph 1 shall not apply with respect to liability of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead ***a*** consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

Or. en

*Justification*

*It is near to impossible to be “reasonably well informed” when it comes to use of AI and algorithmic targeting used by a platform. Case studies have shown that mass fraud is frequent despite different levels of awareness of the consumers (see mask sales during COVID crisis). Finally, it is unclear what “consumer protection law” would comprise*

**Amendment 770**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online ***platforms allowing consumers to conclude distance contracts with traders***, where such an online ***platform*** presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the

*Amendment*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online ***marketplaces***, where such an online ***marketplace*** presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object

information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

Or. en

### *Justification*

*Marketplaces are now defined.*

#### **Amendment 771**

**Andrea Caroppo, Salvatore De Meo, Carlo Fianza**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3**

##### *Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the **online platform** itself or by a recipient of the service who is acting under its authority or control.

##### *Amendment*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the **hosting service provider** itself or by a recipient of the service who is acting under its authority or control.

Or. en

#### **Amendment 772**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online **platforms allowing consumers to conclude distance contracts with traders**, where such an online **platform** presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online **platform** itself or by a recipient of the service who is acting under its authority or control.

*Amendment*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of **providers of online marketplaces**, where such an online **marketplace** presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online **marketplace** itself or by a recipient of the service who is acting under its authority or control.

Or. en

**Amendment 773**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead **an average and reasonably well-informed** consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

*Amendment*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead **a** consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

Or. en

**Amendment 774**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Providers of intermediary services shall be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 when their main purpose is to engage in or facilitate illegal activities.**

Or. en

**Amendment 775**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Paragraph 1 shall not apply when the provider of intermediary services engages in illegal activities.**

Or. en

**Amendment 776**

**Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs**

**Proposal for a regulation**

**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

**Liability of online platform allowing consumers to conclude distance contracts**

*with traders*

**1. In addition to Article 5(1), an online platform allowing consumers to conclude distance contracts with traders shall not benefit from the liability exemption provided for in Article 5 if it does not comply with the obligations referred to in Articles 11, 13b, 13c, 14, 22 or 24a. Such liability exemption shall also not benefit the online platform if it does not comply with specific information requirements for contracts concluded on online marketplaces, in line with Article 6a(1) of the Directive 2011/83/EU of the European Parliament and of the Council.**

**2. The liability exemption in Article 5(1) and in paragraph 1 of this Article shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead a consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its control, authority or decisive influence.**

**3. For the assessment of whether the online platform has that control or authority or decisive influence over the trader, relevant criteria shall include:**

**a) the trader-consumer contract is concluded exclusively through facilities provided on the platform;**

**b) the online platform operator withholds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;**

**c) the online platform operator exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the**

*trader;*

*d) the terms of the trader-consumer contract are essentially determined by the online platform operator;*

*e) the price to be paid by the consumer is set by the online platform operator;*

*f) the online platform is marketing the product or service in its own name rather than using the name of the trader who will supply it;*

*4. The liability exemption in Article 5(1) of this Regulation shall not apply in case an online platform allows consumers to conclude distance contracts with traders from third countries when:*

*a) there is no economic operator inside the Union liable for the product safety or when the economic operator is available but does not respond to claims; and*

*b) the product does not comply with the relevant product safety and product compliance Union or national law;*

*5. Consumers concluding distance contracts with traders shall be entitled to seek redress from the online platform for infringement of the obligations laid down in this Regulation and in accordance with relevant Union and national law, i.e. liability for damages that the consumer would be entitled to according to EU rules on product liability (Council Directive 85/374/EEC), if the product is defective and sold in the EU.*

*6. The online platform shall be entitled to seek redress from the trader who has used its services in case of a failure by that trader to comply with his obligations under this Regulation regarding the online platform or regarding the consumers.*

Or. en

## *Justification*

*Important new amendment which restores fair competition and align EU-importers and traders with third country traders. By laying the responsibility on the online marketplaces it makes an incitement for them to make sure that only responsible traders from 3rd countries have access to EU consumers. A big cost and responsible for EU companies are the duty to keep insurance etc. for product liability – in this regard the report from the rapporteur is insufficient, why it is suggested to make it clear that the online market places are liable for damages caused by defective products in line with the responsibility of physical importers and EU manufactures.*

### **Amendment 777**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Brando Benifei, Monika Beňová, Marc Angel**

### **Proposal for a regulation**

#### **Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 5a**

***Liability of online platform allowing consumers to conclude distance contracts with traders***

***1. In addition to Article 5(1), an online platform allowing consumers to conclude distance contracts with traders shall not benefit from the liability exemption provided for in Article 5 if it does not comply with the obligations referred to in Articles 11, 13b, 13c, 14, 22 or 24a.***

***Such liability exemption shall also not benefit the online platform if it does not comply with specific information requirements for contracts concluded on online marketplaces, in line with Article 6a(1) of the Directive 2011/83/EU of the European Parliament and of the Council.***

***2. The liability exemption in Article 5(1) and in paragraph 1 of this Article shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude***



*distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead a consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its control, authority or decisive influence.*

**3.** *For the assessment of whether the online platform has that control or authority or decisive influence over the trader, relevant criteria shall include, among others:*

*a) the trader-consumer contract is concluded exclusively through facilities provided on the platform;*

*b) the online platform operator withholds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;*

*c) the online platform operator exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the trader;*

*d) the terms of the trader-consumer contract are essentially determined by the online platform operator;*

*e) the price to be paid by the consumer is set by the online platform operator; or*

*f) the online platform is marketing the product or service in its own name rather than using the name of the trader who will supply it;*

**4.** *The liability exemption in Article 5(1) of this Regulation shall not apply in case an online platform allows consumers to conclude distance contracts with traders from third countries when:*

*a) there is no economic operator inside the Union liable for the product*

*safety or when the economic operator is available but does not respond to claims or take measures to remedy the harm; and*

*b) the product does not comply with the relevant Union or national law;*

*5. Consumers concluding distance contracts with traders shall be entitled to seek redress from the online platform for infringement of the obligations laid down in this Regulation and in accordance with relevant Union and national law.*

*6. The online platform shall be entitled to seek redress from the trader who has used its services in case of a failure by that trader to comply with his obligations under this Regulation regarding the online platform or regarding the consumers.*

Or. en

**Amendment 778**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 5a*

*Liability of providers of online marketplaces*

*1. Providers of online marketplaces shall be liable for damage arising from the failure to take adequate measures to protect consumers against illegal activities upon obtaining credible evidence of such illegal activities.*

*2. Providers of online marketplaces shall also be liable for non-compliance of the due diligence obligations under this Regulation.*

*3. Providers of online marketplace shall be liable for damage, contract non-*

*performance and guarantee issues arising from the failure to inform consumers about the supplier of the goods or services, in accordance with Article 4(5) of Directive (EU) 2019/2161.*

*4. Providers of online marketplaces shall be liable for failure to take reasonable steps to remove misleading information or make this information inaccessible after having received a notice of misleading information presented by traders.*

*5. Where the online marketplace provider has control or exerts a predominant influence over the trader, the consumer can exercise the rights and remedies available under the trader-consumer contract against the operator of the online marketplace. For the assessment of whether the online marketplace has that control or a predominant influence over the trader, objective or subjective elements shall be taken into account by courts. Relevant criteria shall include, among others:*

*a) the information communicated or the presentation of the service or the product, consumers could reasonably believe that the product or service is provided by the operator of the online marketplace.*

*b) the trader-consumer contract is concluded exclusively through facilities provided on the online market place;*

*c) the online marketplace provider with holds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;*

*d) the online marketplace provider exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the trader;*

*e) the terms of the trader-consumer contract are essentially determined by the online marketplace operator;*

*f) the price to be paid by the consumer is set by the online marketplace operator;*

*g) the marketing is focused on the online marketplace operator and not on traders; or*

*h) the online marketplace provider promises to voluntarily monitor the conduct of traders and to enforce compliance with its standards beyond what is required by law.*

*6. Online marketplaces providers shall be liable where the trader is identified but does not take measures to remedy the harm.*

*7. Providers of online marketplaces shall have the right of recursory action in situations where the trader failed to take sufficient level of care, to cover the part of compensation corresponding to their part of responsibility for the damage, contract performance or guarantees issues.*

Or. en

#### *Justification*

*While the proposed Article 5(3) could hold marketplaces responsible in cases where they present the information in question or consumers are led to believe the marketplace itself was the seller, it fails to go far enough. The DSA must establish a clear liability regime to tackle widespread illegal activities in online marketplaces and to ensure consumers are adequately protected and compensated if they suffer damage.*

#### **Amendment 779**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation**

#### **Article 6**

*Text proposed by the Commission*

*Amendment*

*Article 6*

*deleted*

*Voluntary own-initiative investigations  
and legal compliance*

***Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.***

Or. en

**Amendment 780  
Alex Agius Saliba**

**Proposal for a regulation  
Article 6**

*Text proposed by the Commission*

*Amendment*

***Article 6***

***deleted***

***Voluntary own-initiative investigations and legal compliance***

***Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.***

Or. en

*Justification*

*Platforms should not need to take voluntary actions beyond what is required by law if the latter is clear about the duties they need to undertake. We don't need to add more protections to intermediary service providers that adopt "voluntary" actions. This could render enforcement less effective. Just because voluntary action is taken, it does not mean platforms will effectively protect consumers.*

**Amendment 781**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

**deleted**

***Voluntary own-initiative investigations  
and legal compliance***

***Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.***

Or. en

**Amendment 782**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.***

**deleted**

**Amendment 783**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.***

***deleted***

Or. en

*Justification*

*This Article is not needed, since up until now, courts have never considered that for instance, the use of YouTube's Content ID led to YouTube playing an active role in the provision of its users' content. Companies should be encouraged to innovate their content moderation practices, however we should rule out that private companies are given even more impunity in deciding over the legality of content online.*

**Amendment 784**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Providers of intermediary services shall ***not*** be deemed ineligible for the exemptions from liability referred to in Articles 3, 4

Providers of intermediary services shall be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5



and 5 *solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out* in this Regulation.

*when they engage in or facilitate illegal activities or when they do not comply with the due diligence obligations laid down* in this Regulation.

Or. en

#### **Amendment 785**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Laurence Farreng, Stéphane Séjourné, Christophe Grudler, Karen Melchior**

#### **Proposal for a regulation Article 6 – paragraph 1**

##### *Text proposed by the Commission*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including *those* set out in this Regulation.

##### *Amendment*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union *or national law, in conformity with the Union law, including the EU Charter on Fundamental Rights, and the requirements* set out in this Regulation.

Or. en

#### **Amendment 786**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin**

#### **Proposal for a regulation Article 6 – paragraph 1**

*Text proposed by the Commission*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 **solely** because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.

*Amendment*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, **to enforce their terms and conditions in accordance with Article 12** or take the necessary measures to comply with the requirements of Union **or national** law, including those set out in this Regulation.

Or. en

*Justification*

*Voluntary measures should not only apply to illegal content but also content disallowed under the terms and conditions of a provider.*

**Amendment 787**

**Arba Kokalari, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they **carry out** voluntary own-initiative **investigations or other activities** aimed at detecting, identifying and removing, or disabling of access to, illegal content, **or take the necessary measures** to comply with the requirements of Union law, including those set out in this Regulation.

*Amendment*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they **take the necessary** voluntary own-initiative **investigation measures** aimed at detecting, identifying and removing, or disabling of access to, illegal content to comply with the requirements of Union law, including those set out in this Regulation, **without prejudice to freedom of expression.**

Or. en

*Justification*

*To prevent over-removal of content.*

**Amendment 788**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

Les fournisseurs de services intermédiaires ne sont pas réputés inéligibles aux exemptions de responsabilité prévues aux articles 3, 4 et 5 du simple fait qu'ils procèdent de leur propre initiative à des enquêtes volontaires ou exécutent d'autres activités destinées à détecter, repérer et supprimer des contenus *illicites*, ou à en rendre l'accès impossible, ou qu'ils prennent les mesures nécessaires pour se conformer aux exigences du droit de l'Union, y compris celles établies dans le présent règlement.

*Amendment*

Les fournisseurs de services intermédiaires ne sont pas réputés inéligibles aux exemptions de responsabilité prévues aux articles 3, 4 et 5 du simple fait qu'ils procèdent de leur propre initiative à des enquêtes volontaires ou exécutent d'autres activités destinées à détecter, repérer et supprimer des contenus *illégaux*, ou à en rendre l'accès impossible, ou qu'ils prennent les mesures nécessaires pour se conformer aux exigences du droit de l'Union, y compris celles établies dans le présent règlement.

Or. fr

**Amendment 789**

**Petra Kammerevert**

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Measures taken pursuant to paragraph 1 shall be effective, proportionate, specific, targeted and in accordance with the Charter***

Or. en

**Amendment 790**

**Arba Kokalari, Andrey Kovatchev, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Providers of intermediary services shall ensure that such measures are accompanied with appropriate safeguards, such as oversight, documentation and traceability or additional measures to ensure that own-initiative investigations are accurate, legally justified and do not lead to over-removal of content.***

Or. en

*Justification*

*To prevent over-removal of content.*

**Amendment 791**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Paragraph 1 shall apply only when intermediary services are compliant with due diligence obligations laid down in this Regulation.***

Or. en

**Amendment 792**

**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

No general monitoring *or active fact-finding obligations*

No general monitoring

Or. en

*Justification*

*the AM is needed for legal certainty with other parts of the text.*

**Amendment 793**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. ***This Regulation shall not prevent providers from offering end-to-end encrypted services. The provision of such services shall not constitute a reason for liability or for becoming ineligible for the exemptions from liability.***

Or. en

*Justification*

*Encryption is an important cybersecurity tool and any limitations on it or requirements to allow "backdoors" would endanger EU citizens and businesses*

**Amendment 794**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

*Amendment*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. ***No provision of this Regulation shall be understood as mandating, requiring or recommending the use of automated decision-making, or the monitoring of the behaviour of a large number of natural persons.***

Or. en

**Amendment 795**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

*Amendment*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers, ***unless the information society service plays an active role in approving, modifying or editing the information issued by the recipient of the service.***

Or. en

*Justification*

*Justification: While the no general monitoring obligation is an important aspect of the Digital Services Act, platforms which have the capacity to shape content provided by a recipient of*

*the service before its publication should be required to pre-emptively ensure that approved content does not break any laws*

**Amendment 796**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

Les fournisseurs de services intermédiaires ne sont soumis à aucune obligation générale de surveiller les informations qu'ils transmettent ou stockent, ou de rechercher activement des faits ou des circonstances révélant des activités *illicites*.

*Amendment*

Les fournisseurs de services intermédiaires ne sont soumis à aucune obligation générale de surveiller les informations qu'ils transmettent ou stockent, ou de rechercher activement des faits ou des circonstances révélant des activités *illégales*.

Or. fr

**Amendment 797**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***No provision of this Regulation shall prevent providers of intermediary services from offering end-to-end encrypted services, or make the provision of such services a cause for liability or loss of immunity.***

Or. en

*Justification*

*Certain provisions could be interpreted as interfering with companies' freedom to conduct a business. Therefore, it should be explicitly spelled out that the DSA should not accidentally change the legal status of encryption. Any such change would be highly consequential, and should be the product of very clear, careful, and informed debate.*



**Amendment 798**

**Petra Kammerevert, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 7a**

***Prohibition of interference with content and services offered by media service providers and press publishers***

***1. Intermediary service providers shall not remove, disable access to or otherwise interfere with content and services made available by media service providers, who hold the editorial responsibility and comply with provisions consistent with EU and national law or by publishers of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790. Publishers' and media service providers' accounts shall not be suspended on the grounds of legal content and services they offer.***

***2. This Article shall not affect the possibility for an independent judicial or administrative authority of requiring the media service provider to terminate or prevent an infringement of applicable Union or national law.***

Or. en

*Justification*

*Intermediaries should not assume editor-like roles as they currently sometimes do. Thus, a general prohibition of interference with content and services provided by media service providers and Publishers of press publications is needed, as secondary control of media content in compliance with sector-specific rules and national law and constitutions would pose great risks to media freedom and the availability of trustworthy information online. As such content and services should benefit from a special regime that presumes their legality, intermediary service providers likewise should not be held liable for it.*

**Amendment 799**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 8 – title**

*Text proposed by the Commission*

Injonctions d’agir contre des contenus  
*illicites*

*Amendment*

Injonctions d’agir contre des contenus  
*illégaux*

Or. fr

**Amendment 800**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of an order to act against *a specific item of* illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

*Amendment*

1. Providers of intermediary services shall, upon the receipt of an order to act against illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken. *Under the condition that necessary safeguards are provided, such orders could, in particular, consist of catalogue-wide and dynamic injunctions by courts or administrative authorities requiring the termination or prevention of any infringement.*

Or. en

**Amendment 801**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial **or administrative** authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order **of the effect given to the orders**, without undue delay, **specifying the action** taken and the moment when the **action was** taken.

*Amendment*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order, without undue delay, **of the actions** taken and the moment when the **actions were** taken.

***In relation to consumer protection matters, this provision shall apply to competent administrative authorities ordering online platforms to act against products or services unlawfully promoted or offered to consumers.***

Or. en

**Amendment 802**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of an order to act against **a** specific **item** of illegal content, issued by the relevant national judicial **or** administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the **orders**, without undue delay, specifying the action taken and the moment when the action was taken.

*Amendment*

1. Providers of intermediary services shall, upon the receipt of an order to act against **one or more** specific **items** of illegal content, issued by the relevant national judicial **authority, or against an offer of illegal goods or services issued by the relevant national** administrative **or judicial** authorities, **through trusted and secure communication channels**, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect

given to the **order**, without undue delay, specifying the action taken and the moment when the action was taken.

Or. en

### **Amendment 803**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

#### **Proposal for a regulation Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union **law**, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

##### *Amendment*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union **or national law, that is in conformity with Union law, including the EU Charter on Fundamental Rights**, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

Or. en

### **Amendment 804**

**Maria Grapini**

#### **Proposal for a regulation Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of

##### *Amendment*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities **and addressed**

the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

*directly to the service provider in their country of origin*, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

Or. en

#### **Amendment 805**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific *item* of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

##### *Amendment*

1. Providers of intermediary services shall, upon the receipt of an order *via a secure communications channel* to act against a specific *or multiple items* of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

Or. en

#### **Amendment 806**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services

##### *Amendment*

1. Providers of intermediary services

shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

shall, upon the receipt of an order to act against a specific *individual* item of illegal content, *received from and* issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

Or. en

#### *Justification*

*Orders should be received directly from the authorities and not via any third parties, which would bring into doubt the validity of the order.*

#### **Amendment 807**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. Lorsqu'un fournisseur de services intermédiaires reçoit une injonction d'agir contre un élément de contenu *illicite* spécifique, émise par les autorités judiciaires ou administratives nationales pertinentes, sur la base du droit national ou de l'Union applicable, conformément au droit de l'Union, il informe dans les meilleurs délais l'autorité émettrice de l'effet donné à l'injonction, en précisant la nature de l'action qui a été entreprise et à quel moment elle l'a été.

##### *Amendment*

1. Lorsqu'un fournisseur de services intermédiaires reçoit une injonction d'agir contre un élément de contenu *illégal* spécifique, émise par les autorités judiciaires ou administratives nationales pertinentes, sur la base du droit national ou de l'Union applicable, conformément au droit de l'Union, il informe dans les meilleurs délais l'autorité émettrice de l'effet donné à l'injonction, en précisant la nature de l'action qui a été entreprise et à quel moment elle l'a été.

Or. fr

#### **Amendment 808**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Individuals shall have the right to report allegedly illegal content or to mandate a body, organisation or association referred to in Article 68 to report such content to the competent authorities in their country of residence, which shall expeditiously make a ruling. Where the content is deemed illegal under the national law of the country of residence of the individual, or manifestly illegal under Union law, this shall be reported to the platform for immediate enforcement on the territory of the Member State issuing the order and to the competent authorities for assessment under national law.***

Or. en

**Amendment 809**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. If the provider cannot comply with the removal order because it contains manifest errors or does not contain sufficient information for its execution, it shall, without undue delay, inform the authority that has issued the order.***

Or. en

*Justification*

*TCO: Providers should tell the issuer of the order if there are problems.*



## **Amendment 810**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Where the provider does not have its main establishment or legal representative in the Member State of the competent authority that has issued the order and the provider believes that the implementation of an order issued under paragraph 1 would infringe the Charter of Fundamental rights of the European Union, Union law, or the national law of the Member State in which the main establishment or legal representative of the provider is located, or does not meet the conditions of paragraph 2, the provider shall have the right to submit a reasoned request for a decision of the Digital Services Coordinator from the Member State of establishment.***

***The provider shall inform the authority issuing the order of this submission.***

Or. en

#### *Justification*

*Providers should be able to receive a decision from the DSC before implementing an order when in doubt to its legal merits. This is in line with the principles set down in the Terrorist Content Online agreement between the Council and the Parliament.*

## **Amendment 811**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Upon receiving such a submission, the Digital Services Coordinator shall in a timely manner scrutinise the order and inform the provider of its decision. Where the Digital Services Coordinator agrees with the reasoning of the provider, in whole or in part, the Digital Services Coordinator shall inform, without undue delay, the Digital Services Coordinator of the Member State of the judicial or administrative authority issuing the order of its objection. The Digital Services Coordinator may choose to intervene on behalf of the provider in any redress, appeal or other legal processes in relations to the order.***

Or. en

*Justification*

*TCO: the role of the DSC should be to consider the merits of an order in light of the arguments and to make a decision*

**Amendment 812**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 8 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. Until an objection under paragraph 1, point (c) is withdrawn, any penalties, fines or other sanctions related to the non-implementation of an order issued by the relevant national judicial or administrative authorities shall be suspended and the order shall cease to have legal effects.***

Or. en

*Justification*

*When an order is suspended, any sanctions connected should equal be suspended.*

**Amendment 813**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 8 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***1e. Paragraphs 1b and 1c shall not apply in the case of very large online platforms or where a content is manifestly illegal under Union law.***

Or. en

*Justification*

*VOLP have the resources to seek redress without intervention by the DSC. Moreover, manifestly illegal context is unlike to be legal within another Member State.*

**Amendment 814**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

*Amendment*

— a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;

— a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed, ***and, where the order comes from administrative authorities, a statement confirming that the order does not interfere with fundamental rights or that such interference is sought in accordance to the applicable law;***

Or. en

**Amendment 815**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

— a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;

*Amendment*

— a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law, ***in conformity with Union law***, infringed;

Or. en

*Justification*

*Orders should not be based on national laws that are not in conformity with Union law.*

**Amendment 816**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

— a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;

*Amendment*

— a ***sufficiently detailed*** statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;

Or. en

**Amendment 817**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

— un exposé des motifs expliquant pourquoi les informations constituent du contenu *illicite*, en référence à la disposition spécifique de l'Union ou du droit national enfreinte;

*Amendment*

— un exposé des motifs expliquant pourquoi les informations constituent du contenu *illégal*, en référence à la disposition spécifique de l'Union ou du droit national enfreinte;

Or. fr

**Amendment 818**

**Marc Angel, Christel Schaldemose, Maria Grapini, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1 a (new)**

*Text proposed by the Commission*

*Amendment*

- *precise indication of the credentials of the relevant national judicial or administrative authority issuing the order and details of the person(s) of contact within the said authority;*

Or. en

**Amendment 819**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1 a (new)**

*Text proposed by the Commission*

*Amendment*

- *the identification of the issuing authority and the means to verify the authentication of the order;*

Or. en

*Justification*

*TCO: There must be a way for providers to ensure that they are receiving a legal order.*

**Amendment 820**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

— ***one or more exact uniform resource locators*** and, where necessary, additional information enabling the identification of the illegal content concerned;

*Amendment*

— ***a clear indication of the exact electronic location of that information, such as the exact URL or URLs where appropriate*** and, where necessary, additional information enabling the identification of the illegal content concerned;

Or. en

**Amendment 821**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

— ***one or more exact uniform resource locators and***, where necessary, additional information enabling the identification of the illegal content concerned;

*Amendment*

— where necessary, additional information enabling the identification of the illegal content concerned;

Or. en

**Amendment 822**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

— une ou plusieurs adresses URL exactes et, le cas échéant, des informations complémentaires permettant de repérer le contenu *illicite* concerné;

*Amendment*

— une ou plusieurs adresses URL exactes et, le cas échéant, des informations complémentaires permettant de repérer le contenu *illégal* concerné;

Or. fr

**Amendment 823**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

— one or more *exact* uniform resource locators *and*, where necessary, additional information enabling the identification of the illegal content concerned;

*Amendment*

— one or more uniform resource locators *or*, where necessary, additional information enabling the identification of the illegal content concerned;

Or. en

*Justification*

*the text needs to be more flexible because this information might not be always readily available.*

**Amendment 824**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 3**

*Text proposed by the Commission*

— information about redress available to the provider of the service and to the recipient of the service who provided the content;

*Amendment*

— information about redress available to the provider of the service and to the recipient of the service who provided the content, *which may be sought in the Member State of establishment of the*



*provider of the service and/or in the Member State of establishment of the recipient of the service who provided the content;*

Or. en

*Justification*

*redress may be sought in the Member State of the establishment of the providers of the service and / or in the Member State of establishment of the recipient of the service who provided the content.*

**Amendment 825**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 3**

*Text proposed by the Commission*

— information about redress available to the provider of the service and to the recipient of the service who provided the content;

*Amendment*

— information about redress *mechanisms* available to the provider of the service and to the recipient of the service who provided the content, *including deadlines for appeal;*

Or. en

**Amendment 826**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- *des éléments précis d'identité ou d'identification des bénéficiaires spécifiquement concernés par l'injonction;*

Or. fr

## **Amendment 827**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

*Amendment*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective ***and does not lead to the removal of content that is legal in another Member State;***

Or. en

## **Amendment 828**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

*Amendment*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective ***and in any case does not exceed the territory of the Member State of the order;***

Or. en

#### *Justification*

*Member States should not seek to apply their decisions to other Member States, which may or may not have similar laws. Nothing, however, shall prevent a provider from removing content*

*for other territories if they see fit.*

**Amendment 829**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

*Amendment*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national ***law in conformity with Union*** law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

Or. en

*Justification*

*technical AM to align the text with other AMs.*

**Amendment 830**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the territorial scope of an order addressed to a provider that has its main establishment or, if the provider is not established in the Union, its legal representation in another Member State is limited to the territory of the Member State issuing the order;***

Or. en

**Amendment 831**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 8 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the territorial scope of an order addressed to a provider that has its main establishment in another Member State is limited to the territory of the Member State issuing the order;***

Or. en

**Amendment 832**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 8 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) the territorial scope of an order addressed to a provider or its representative that has its main establishment outside the Union, where Union law is infringed, is limited to the territory of the Union or, where national law is infringed, to the territory of the Member State issuing the order;***

Or. en

**Amendment 833**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) if addressed to a provider that has its main establishment outside the Union, the territorial scope of the order, where Union law is infringed, is limited to the territory of the Union or, where national law is infringed, to the territory of the Member State issuing the order;***

Or. en

#### **Amendment 834**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10; ***upon a decision by a Member State an order may be drafted in the official language of the Member State whose authority issued the order against the specific item of illegal content; in such case, the point of contact shall be entitled, upon request, to a transcription by that authority into the language declared by the provider.***

Or. en

#### **Amendment 835**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider.***

Or. en

**Amendment 836**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider.***

Or. en

**Amendment 837**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order ***is drafted in the language declared by the provider and*** is sent to the point of contact, appointed by the provider, in accordance with Article 10.

*Amendment*

(c) the order is sent to the point of contact, appointed by the provider, in accordance with Article 10.

Or. en

**Amendment 838**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.

*Amendment*

(c) the order is drafted in ***English or*** the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.

Or. en

*Justification*

*The requirement to draft the order in the language declared by the provider may prove to be a significant burden for the removal of illegal offers of content. It should be possible as an alternative to draft the orders in English as this is the most widely spoken language in the Union*

**Amendment 839**  
**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the actor receiving the order has technical and operational ability to act against specific, notified illegal content***



*and has direct control over it.*

Or. en

**Amendment 840**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the order is issued only where no other effective means are available to bring about the cessation or the prohibition of the infringement***

Or. en

*Justification*

*Words from the CPC Regulation Article 9.4*

**Amendment 841**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) where more than one provider of intermediary services is responsible for hosting the specific item, the order is issued to the most appropriate provider that has the technical and operational ability to act against the specific item.***

Or. en

*Justification*

*Orders should be issued to the proper provider, at the level closest to the content.*

**Amendment 842**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific template and form for such orders.**

Or. en

*Justification*

*Such orders must be standardised in order to allow processing quickly and easily. Moreover it must be harmonised between the Member States, which only the Commission can do.*

**Amendment 843**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Member States shall ensure that providers have a right to appeal and object to implementing the order and shall facilitate the use and access to that right.**

Or. en

*Justification*

*Legal right to appeal must be guaranteed, in addition to any information about redress.*

**Amendment 844**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten**

**Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. When an order to act against a specific individual item of illegal content is issued by a relevant national judicial or administrative authority, Member States shall ensure that the relevant national judicial or administrative authority duly informs the Digital Services Coordinator from the Member State of the judicial or administrative authority.**

Or. en

*Justification*

*procedural.*

**Amendment 845**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**

**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

***Where upon receiving the copy of the order, at least three Digital Services Coordinators consider that the order violates Union or national law, that is in conformity with the Union Law, including the Charter, they can object the enforcement of the order to the Board,***

*based on a reasoned statement. Following recommendation of the Board, the Commission may decide whether the order shall be enforced.*

*Where the order to act against a specific item of illegal content under Union or national law has been issued by the national judicial or administrative authority of a Member State that is under an Article 7 procedure for infringement of European values according to Article 2 of TEU, any Digital Service Coordinator may object the order directly to the Commission. The Commission shall assess the objection to the order as a matter of priority and decide whether the order should be enforced as swiftly as possible and no later than 48 hours upon receipt of the objection.*

Or. en

#### **Amendment 846**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

**Article 8 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Where upon receiving the copy of the order, at least three Digital Services Coordinators consider that the order violates Union or national law that is in conformity with Union law, including the Charter, they can object the enforcement of the order to the Board, based on a reasoned statement. Following recommendation of the Board, the Commission may decide whether the order is to be enforced.*

Or. en

**Amendment 847**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 8 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Digital Services Coordinator of each Member State, on its own initiative and within 96 hours of receiving a copy of the order to act through the system developed in accordance with paragraph 4a of this Article, shall have the right to scrutinise the order to determine whether it infringes the respective Member State's law and deem it invalid on its own territory by adopting a reasoned decision.**

Or. en

**Amendment 848**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 8 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Where the Digital Services Coordinator adopts a reasoned decision in accordance with paragraph 3a,**

**a) the Digital Services Coordinator shall communicate that decision to the authority that issued that order and the concerned provider of the service, and,**

**b) after receiving a decision finding that the content was not in fact illegal, the concerned provider shall immediately reinstate the content or access thereto in the territory of the Member State of the Digital Services Coordinator who issued the decision.**

**Amendment 849**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law **and administrative law** in conformity with Union law, **including the Charter on Fundamental Rights. While acting in accordance with such laws, authorities shall not go beyond what is necessary in order to attain the objectives followed therein.**

*Justification*

*Not all orders are based on criminal law. Moreover, actions should be limited to what is strictly necessary to attain their objectives*

**Amendment 850**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law, **including the EU Charter on**

*Fundamental Rights.*

Or. en

**Amendment 851**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to *civil court decisions and* requirements under national criminal procedural law in conformity with Union law.

Or. en

**Amendment 852**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal *and administrative* procedural law in conformity with Union law.

Or. en

**Amendment 853**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 4 a (new)**



*Text proposed by the Commission*

*Amendment*

***4a. Providers of intermediary services may refuse to execute an order referred to in paragraph 1 if it contains manifest errors or does not contain sufficient information as referred to in paragraph 2. Providers shall inform the competent authority without undue delay, asking for the necessary clarification. It may submit an appeal to the Digital Services Coordinator of establishment where it feels that the territorial scope of the order is disproportionate.***

Or. en

**Amendment 854**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 8 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Commission shall adopt implementing acts, organising a European information exchange system, allowing for secure communication and authentication of authorised orders between relevant authorities, Digital Services Coordinators and providers, as referred to in Articles 8(1), 8a(1) and 9(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.***

Or. en

**Amendment 855**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Member States shall ensure that the judicial authorities may, at the request of an applicant whose personality rights are infringed by illegal content, issue against the relevant provider of hosting services an order in accordance with this Article to remove or disable access to this content, including by way of an interlocutory injunction.**

Or. en

*Justification*

*Where illegal content violates the rights of a person, that person shall have effective access to the judiciary to decide on the legality of the content and ensure redress. This shall include the right to apply for an interlocutory injunction. Orders shall be in accordance with Article 8, particularly concerning their territorial effect.*

**Amendment 856**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a**

**Orders to restore lawful content**

**1. Providers of intermediary services shall, upon the receipt of an order via a secure communications channel to restore a specific item or multiple items of removed content, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders without undue delay, specifying the action taken and the moment when the action**

*was taken.*

**2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:**

**(a) the orders contain the following elements:**

**(i) a statement of reasons explaining why the content in question is legal, by reference to the specific provision of Union or national law or court ruling;**

**(ii) one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the legal content concerned;**

**(iii) information about redress available to the provider of the service who removed the content and to the recipient of the service who notified the content;**

**(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective; and**

**(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.**

Or. en

**Amendment 857**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation  
Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a**

***Injunction orders***

***Member States shall ensure that recipients of a service are entitled under their national law to seek an injunction order as an interim measure for removing manifestly illegal content.***

Or. en

*Justification*

*To ensure that victims of severe crimes are able to seek injunctions in line with national law.*

**Amendment 858**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order. ***Where no effect has been given to the order, providers of intermediary services shall provide without delay the authority of issuing the order with a statement of reasons as to why the order was not given an effect.***

Or. en

## Amendment 859

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 9 – paragraph 1

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

*Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order. ***Where no effect has been given to the order, a statement shall explain the reasons why the information cannot be provided to the national judicial or administrative authority that issued the order.***

Or. en

## Amendment 860

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 9 – paragraph 1

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial *or* administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the

*Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial ***authorities, or regarding offers of illegal goods or services issued by*** administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the

effect given to the order.

order of its receipt and the effect given to the order *via trusted and secure communications channels*.

Or. en

#### **Amendment 861**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

##### *Amendment*

1. Providers of intermediary services shall, upon receipt of an order *via a secure communications channel* to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

Or. en

#### **Amendment 862**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the

##### *Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, *received from and* issued by the relevant national judicial or administrative

basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

Or. en

*Justification*

*Orders should be received directly from the authorities and not via any third parties, which would bring into doubt the validity of the order.*

**Amendment 863**  
**Róża Thun und Hohenstein**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial *or administrative* authorities on the basis of the applicable Union or national law, in conformity with Union law, *inform* without undue delay the authority of issuing the order of its receipt and *the effect given to* the order.

*Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial authorities on the basis of the applicable Union or national law, in conformity with Union law, without undue delay, *inform* the authority of issuing the order of its receipt and *perform* the order.

Or. en

**Amendment 864**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide *a*

*Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide



*specific item of* information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

Or. en

#### **Amendment 865**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. If the provider cannot comply with the information order because it contains manifest errors or does not contain sufficient information for its execution, it shall, without undue delay, inform the authority that issued the information order***

Or. en

*Justification*

*TCO: Providers should tell the issuer of the order if there are problems.*

#### **Amendment 866**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Where the provider does not have***

*its main establishment or legal representative in the Member State of the competent authority that issued the order and a provider believes that the implementation of an order issued under paragraph 1 would infringe the Charter, Union law, or the national law of the Member State in which the main establishment or legal representative of the provider is located, or does not meet the conditions of paragraph 2, the provider shall have the right to submit a reasoned request for a decision of the Digital Services Coordinator from the Member State of establishment.*

*The provider shall inform the authority issuing the order of this submission.*

Or. en

#### *Justification*

*Providers should be able to receive a decision from the DSC before implementing an order when in doubt to its legal merits. This is in line with the principles set down in the Terrorist Content Online agreement between the Council and the Parliament.*

#### **Amendment 867**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

#### **Proposal for a regulation**

**Article 9 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Upon receiving such a submission, the Digital Services Coordinator shall in a timely manner scrutinise the order and inform the provider of its decision. Where the Digital Services Coordinator agrees with the reasoning of the provider, in whole or in part, the Digital Services Coordinator shall inform of its objection, without undue delay, the Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order. The Digital Services***

*Coordinator may choose to intervene on behalf of the provider in any redress, appeal or other legal processes in relations to the order.*

Or. en

*Justification*

*TCO: the role of the DSC should be to consider the merits of an order in light of the arguments and to make a decision*

**Amendment 868**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 9 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

*1d. Until an objection under paragraph 1, point (c) is withdrawn, any penalties, fines or other sanctions related to the non-implementation of an order issued by the relevant national judicial or administrative authorities shall be suspended and the order shall cease to have legal effects.*

Or. en

*Justification*

*When an order is suspended, any sanctions connected should equal be suspended.*

**Amendment 869**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent -1 (new)**

*Text proposed by the Commission*

*Amendment*

- ***a clear indication of the exact electronic location, an account name or a unique identifier of the recipient on whom information is sought;***

Or. en

**Amendment 870**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent -1 (new)**

*Text proposed by the Commission*

*Amendment*

- ***the identification of the issuing authority and the means to verify the authentication of the order;***

Or. en

*Justification*

*TCO: There must be a way for providers to ensure that they are receiving a legal order.*

**Amendment 871**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

*Amendment*

— a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided

— a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided

for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

for reasons related to the prevention, investigation, detection and prosecution of criminal offences, ***and, where the order comes from administrative authorities, a statement confirming that the order does not interfere with fundamental rights or that such interference is sought in accordance to the applicable Union law;***

Or. en

#### **Amendment 872**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point a – indent 1**

##### *Text proposed by the Commission*

— a statement of reasons ***explaining the objective for*** which the information is required ***and why the requirement to provide the information is necessary and proportionate*** to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

##### *Amendment*

— a statement of reasons ***according to*** which the information is required to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

Or. en

#### **Amendment 873**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point a – indent 1**

##### *Text proposed by the Commission*

— a statement of reasons ***explaining the objective for*** which the information is required ***and why the requirement to***

##### *Amendment*

— a statement of reasons ***according to*** which the information is required to determine compliance by the recipients of

***provide the information is necessary and proportionate*** to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for ***official*** reasons related to the prevention, investigation, detection and prosecution of criminal offences;

Or. en

#### **Amendment 874**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point a – indent 2**

##### *Text proposed by the Commission*

— information about redress available to the provider and to the recipients of the service concerned;

##### *Amendment*

— information about ***legal*** redress available to the provider and to the recipients of the service concerned ***including deadlines for appeal, and ensure that they can be exercised effectively;***

Or. en

#### **Amendment 875**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point a – indent 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

- ***whether the provider may swiftly inform the recipient of the service concerned.***

Or. en

## Amendment 876

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

### Proposal for a regulation

#### Article 9 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the order **only** requires the provider to provide information **already collected for the purposes of providing** the service and which lies within its control;

*Amendment*

(b) the order requires the provider to provide information **enabling the identification of recipients of** the service and which lies within its control;

Or. en

## Amendment 877

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 9 – paragraph 2 – point c

*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10. ***Upon a decision by a Member State, the order may be drafted in the official language of the Member State whose authority issued the order against the specific item of illegal content, In such case, the point of contact shall be entitled, upon request, to a transcription by that authority into the language declared by the provider.***

Or. en

## Amendment 878

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior

### Proposal for a regulation

#### Article 9 – paragraph 2 – point c



*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider;***

Or. en

**Amendment 879**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 9 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider;***

Or. en

*Justification*

*While this may slow response times, it would also prevent an administrative burden on Member States where not necessary.*

**Amendment 880**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order ***is drafted in the language declared by the provider and*** is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is sent to the point of contact appointed by that provider, in accordance with Article 10;

Or. en

**Amendment 881**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fianza**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order ***is drafted in the language declared by the provider and*** is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is sent to the point of contact appointed by that provider, in accordance with Article 10;

Or. en

**Amendment 882**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the order is issued only where no other effective means are available to receive the same specific item of information***

Or. en

*Justification*

*Rewords from the CPC Regulation Article 9, 4.*

**Amendment 883**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The provider of the service shall inform the recipient of the service whose data is being sought without undue delay.**

Or. en

**Amendment 884**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific template and form for such orders. It shall ensure that the form meets the standards set down in the Annex of [XXX the regulation on European Production and Preservation Orders for electronic evidence in criminal matters].**

Or. en

*Justification*

*Such orders should be standardized to allow for quick and correct proceeding. As these are official acts, no industry standards can apply and individual national ones would not be*

*harmonised.*

**Amendment 885**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 9 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. When an order to provide a specific item of information about one or more specific individual recipients of the service is issued by a relevant national judicial or administrative authority, Member States shall ensure that the relevant national judicial or administrative authority duly informs the Digital Services Coordinator from the Member State of the judicial or administrative authority.***

Or. en

*Justification*

*Procedural. There is no request to inform the DSC in the text*

**Amendment 886**

**Marion Walsmann**

**Proposal for a regulation**

**Article 9 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

4. The conditions and requirements laid down in this article shall be without prejudice to ***civil court decisions and*** requirements under national criminal procedural law in conformity with Union law.

Or. en

**Amendment 887**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law **and administrative law** in conformity with Union law.

Or. en

*Justification*

*Not all such orders are issued based on criminal law, but also administrative*

**Amendment 888**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal **and administrative** procedural law in conformity with Union law.

Or. en

**Amendment 889**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Effective remedies for consumers***

- 1. Recipients of the service whose content was removed according to Article 8 or whose information was sought according to Article 9 shall have the right to effective remedies against such orders, without prejudice to remedies available under Directive (EU) 2016/680 and Regulation(EU) 2016/679.***
- 2. Such right to an effective remedy shall be exercised before a court in the issuing Member State in accordance with national law and shall include the possibility to challenge the legality of the measure, including its necessity and proportionality.***
- 3. Digital Services Coordinators shall publish a ‘toolbox’ of complaint and redress mechanisms applicable in their respective territory, in at least one of the official languages of the Member State where they operate.***

Or. en

**Amendment 890**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 9 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9b**

***Where the issuing authority is subject to a procedure under Article 7(1) or 7(2) of the Treaty on European Union, the provider of intermediary services shall act upon the***

*order or transmit the requested data only after receiving the explicit written approval of the Digital Services Coordinator of establishment.*

Or. en

**Amendment 891**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Chapter III – title**

*Text proposed by the Commission*

*Amendment*

Due diligence obligations for a transparent and safe online environment

Due diligence Obligations for a transparent, ***accessible*** and safe online environment

Or. en

**Amendment 892**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation  
Chapter III – title**

*Text proposed by the Commission*

*Amendment*

Due diligence obligations for a transparent and safe online environment

Due diligence obligations for a transparent, ***accessible*** and safe online environment

Or. en

*Justification*

*Accessibility of digital platforms and services is a key prerequisite for millions of persons with disabilities to be able to engage via those services. It is as important and should be appreciated as such as online safety and transparency for users.*



**Amendment 893**  
**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**  
**Chapter III – title**

*Text proposed by the Commission*

*Amendment*

Due diligence obligations for a transparent and safe online environment

Due diligence obligations for a transparent, **accessible** and safe online environment

Or. en

*Justification*

*Accessibility of digital platforms and services is a key prerequisite for millions of persons with disabilities to be able to engage via those services. It is as important and should be appreciated as such as online safety and transparency for users. The title of this chapter should reflect that vitality.*

**Amendment 894**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

**Waiver**

**1. Providers of intermediary services may apply to the Commission for a waiver from the requirements of Chapter III, provided that they are:**

**(a) non-for-profit or equivalent and serve a manifestly positive role in the public interest;**

**(b) micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC; or**

**(c) a medium enterprises within the meaning of the Annex to Recommendation 2003/361/EC without**

*any systemic risk related to illegal content.*

*The Providers shall present justified reasons for their request.*

*2. The Commission shall examination such an application and, after consulting the Board, may issue a waiver in whole or in parts to the requirements of this Chapter.*

*3. Upon the request of the Board or the provider, or on its own initiative, the Commission may review a waiver issued and revoke the waiver in whole or in parts.*

*4. The Commission shall maintain a list of all waivers issued and their conditions and shall publish this list to the public.*

*(This amendment should be placed between the Chapter Title and the Section title)*

Or. en

#### *Justification*

*The burdens of this regulation must be weighed against the benefits that are achieved with those obligations. In a selected number of cases, the burden would outweigh the benefit and therefore the Commission should have the power to address this issue in order to remove burdens where merited. Without such a power, providers which were not the target or object of this legislation maybe find themselves unable to meet their obligations while maintaining their other functions which would have a negative effect on the European market and its citizens. This amendment is therefore need to order to ensure the proportionality of the obligations to their intended goals.*

#### **Amendment 895**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 9a**

***Exclusion for micro enterprises and not-***

*for-profit services*

*This Chapter shall not apply to online platforms that qualify as micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC or as a not-for-profit service with fewer than 100,000 monthly active users.*

Or. en

**Amendment 896**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation  
Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 9a*

*Conflict between Union Acts*

- 1. Where any obligation set down in this Regulation can be viewed as equivalent with or superseded by an obligation within another Union act, in which a provider of intermediary services is also a subject, a provider of intermediary services may apply to the Commission for a waiver from such requirements or a declaration that it should be deemed as having complied with this Regulation, in whole or in parts. The provider shall present justified reasons for their request.*
- 2. The Commission shall examine such an application and, after consulting the Board, may issue a waiver or declaration in whole or in parts to the requirements of this Regulation.*
- 3. Upon the request of the Board or on its own initiative, the Commission may review a waiver or declaration issued and revoke the waiver or declaration in whole or in parts.*

**4. The Commission shall maintain a list of all waiver and declaration issued and their conditions and shall publish this list to the public.**

Or. en

*Justification*

*As the number of different legislative acts, especial *lex specialis*, will potentially have conflicts with this act, the Commission should have the power to address these conflicts in order to remove potential double or conflicting burdens. Without such a power, it would be left to the courts to undertake the same actions.*

**Amendment 897**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera**

**Proposal for a regulation  
Article 10 – title**

*Text proposed by the Commission*

*Amendment*

Points of contact

Points of contact *for authorities, the Commission and the Board*

Or. en

**Amendment 898**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation  
Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Providers of intermediary services shall ***establish a single point of contact allowing for direct communication, by electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.***

1. Providers of intermediary services ***which do not have an establishment in the Union but which offer services in the Union shall designate, for those already existing as soon as possible, for those to be established prior to the establishment, in writing, a legal or natural person as their legal representative in one of the***

Member States *where the provider offers its services.*

Or. en

**Amendment 899**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchhei, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.

*Amendment*

1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means ***and by telephone***, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.

Or. en

**Amendment 900**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of intermediary services shall ensure that recipients of the service, including affected non-users, can communicate with them in a direct, accessible and timely manner and, as necessary, request non-automated responses.***

Or. en

*Justification*

*In line with ECD Article 5.*

**Amendment 901**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact.

*Amendment*

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact ***and ensure that information is up to date. Providers of intermediary services shall notify that information, including the name, postal address, the electronic mail address and telephone number of their single point of contact, to the Digital Services Coordinator in the Member State where they are established.***

Or. en

**Amendment 902**

**Karen Melchior**

**Proposal for a regulation**

**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact.

*Amendment*

2. Providers of intermediary services shall make public ***available and easy accessible*** the information necessary to easily identify and communicate with their single points of contact. ***This must include at least a telephone number, an e-mail address and a postal address of the point of contact. The provider may also include electronic contact forms.***

**Amendment 903**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation  
Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Providers of intermediary services shall **make public** the information necessary to easily identify and communicate with their single points of contact.

*Amendment*

2. Providers of intermediary services shall **communicate to their Digital Service Coordinator of establishment, the Commission and the Board** the information necessary to easily identify and communicate with their single points of contact.

**Amendment 904**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation  
Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact.

*Amendment*

2. Providers of intermediary services shall make public, **in a clear and user-friendly manner**, the information necessary to easily identify and communicate with their single points of contact.

**Amendment 905**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin,**

**Liesje Schreinemacher**

**Proposal for a regulation  
Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Providers of intermediary services may establish the same single point of contact for this Regulation and another single point of contact as required under other Union law. When doing so, the provider shall inform the Commission of this decision.**

Or. en

*Justification*

*Clarification in the operational part of the regulation*

**Amendment 906  
Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation  
Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

***Accessibility requirements for  
intermediary services***

**1. Providers of intermediary services which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.**

**2. Providers of intermediary services shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be**



*made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation.*

*3. Providers of intermediary services shall ensure that information, forms and measures provided pursuant to Articles 10 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and(4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with disabilities, and do not exceed a level of complexity superior to level B1(intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*

*4. Providers of intermediary services which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.*

*5. In the case of non-conformity, providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, the provider of the intermediary service shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established, to that effect,*

*giving details, in particular, of the non-compliance and of any corrective measures taken.*

*6. Provider of intermediary services shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.*

*7. Intermediary services which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.*

*8. Intermediary services which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.*

*9. All intermediary services shall, at least once a year, report to their respective Digital Service Coordinators or other competent authorities on their progress in implementing the obligation to ensure accessibility for persons with disabilities as required by this Regulation. In addition to Article 44 (2), Digital Services Coordinators shall include measures taken pursuant to this article.*

Or. en

#### *Justification*

*The article is consistent with similar requirements for services under the European*

*Accessibility Act. Only through ensuring accessibility for all users, EU can ensure that people with disabilities have equal access to digital platforms and services. This includes ensuring equal playing field for organisations and business users run by and employing persons with disabilities, as well as private entrepreneurs with disabilities offering services via digital platform and services. As adequate monitoring is vital for effective implementation, reporting on accessibility should also be ensured (points 9 and 10).*

**Amendment 907**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

***Accessibility requirements for intermediary services***

- 1. Providers of intermediary services shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.***
- 2. Providers of intermediary services shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation.***
- 3. Providers of intermediary services shall ensure that information, forms and measures provided pursuant to Articles 10 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and (4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with***

*disabilities, and do not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*

*4. Providers of intermediary services which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.*

*5. In the case of non-conformity, providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, the provider of the intermediary service shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.*

*6. Provider of intermediary services shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.*

*7. Intermediary services which are in*

*conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.*

**8. *Intermediary services which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.***

**9. *All intermediary services shall, at least once a year, report to Digital Service Coordinators or other competent authorities on their obligation to ensure accessibility for persons with disabilities as required by this Regulation. In addition to Article 44 (2), Digital Services Coordinators shall include measures taken pursuant to Article 10 new.***

Or. en

#### *Justification*

*The AM is consistent with similar requirements for services under the European Accessibility Act. Only through ensuring accessibility for all users, EU can ensure that more than 100 persons with disabilities have equal access to digital platforms and services. This includes ensuring equal playing field for organisations and business users run by and employing persons with disabilities, as well as private entrepreneurs with disabilities offering services via digital platform and services. As adequate monitoring is vital for effective implementation, reporting on accessibility should also be ensured (points 9 and 10).*

#### **Amendment 908**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Andrea Caroppo, Barbara Thaler**

#### **Proposal for a regulation Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

***Point of contact for recipients of a service***

- 1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means, with the recipients of their services. The means of communication shall be user-friendly and easily accessible.***
- 2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact for recipients.***

Or. en

**Amendment 909**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 10 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10b**

***Points of contact for consumers***

- 1. Providers of intermediary services shall enable consumers to easily, directly and effectively communicate with them by providing their telephone numbers, email addresses and the geographical address of the establishments of the providers of intermediary services within the Union. In addition, providers of intermediary services may offer other direct and efficient means of communication that guarantee that the consumer can keep any written correspondence, including the date and time of such correspondence, with the provider of intermediary services on a durable medium, including***

*electronic contact forms and instant messaging. Where applicable, the provider of intermediary services shall also provide the geographical address and identity of the trader on whose behalf he is acting.*

*2. The means of communication referred to in paragraph 1 shall be quickly and easily accessible to recipients of services in a clear user-friendly, easily identifiable and where possible, uniform manner. Providers of intermediary services shall enable consumers to easily choose equally accessible means of rapid, direct and efficient communication which do not involve automated tools.*

*3. Providers of intermediary services shall allocate the necessary human and financial resources to ensure that the communication and responses referred to in paragraph 1 are performed in a quick and efficient manner.*

Or. en

#### *Justification*

*This article is inspired by Article 6.1 c) of the Consumer Rights Directive and seeks to improve the article 10a proposed by the rapporteur.*

#### **Amendment 910**

**Leszek Miller, Maria Grapini, Marc Angel, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.

##### *Amendment*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services. ***Very large online platforms shall designate a legal***

*representative in each of the Member States where the provider offers its services.*

Or. en

**Amendment 911**  
**Ramona Strugariu, Karen Melchior**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services *which do not have an establishment in the Union but which offer services in the Union* shall designate, in writing, a legal or natural person as their legal representative in *one of the Member States* where the provider offers its services.

*Amendment*

1. Providers of intermediary services shall designate, in writing, a legal or natural person as their legal representative in *each Member State* where the provider offers its services.

Or. en

**Amendment 912**  
**Karen Melchior, Ramona Strugariu**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services *which do not have an establishment in the Union but which offer services in the Union* shall designate, in writing, a legal or natural person as their legal representative in *one of the Member States* where the provider offers its services.

*Amendment*

1. Providers of intermediary services shall designate, in writing, a legal or natural person as their legal representative in *each Member State* where the provider offers its services.

Or. en



### **Amendment 913**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

#### **Proposal for a regulation**

##### **Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union **shall** designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.

*Amendment*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union **may** designate, in writing, a legal or natural person **to act** as their legal representative in one of the Member States where the provider offers its services.

Or. en

*Justification*

*This is in fact a choice. If they choose not to have a legal representative, they become subject to all Member States' DSCs per Article 40(3)*

### **Amendment 914**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

#### **Proposal for a regulation**

##### **Article 11 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where a providers of intermediary services chooses not to designate a legal representative, Article 40(3) shall apply.***

Or. en

*Justification*

*If a provider chooses not to name a legal representative, they are choosing to be subject to the governance of all Member States, in line with the principles of article 40(3)*

## Amendment 915

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 11 – paragraph 2

##### *Text proposed by the Commission*

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and *resource to cooperate* with the Member States' authorities, the Commission and the Board and *comply* with those decisions.

##### *Amendment*

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and *resources in order to guarantee their proper and timely cooperation* with the Member States' authorities, the Commission and the Board and *compliance* with those decisions.

Or. en

## Amendment 916

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 11 – paragraph 4

##### *Text proposed by the Commission*

4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.

##### *Amendment*

4. Providers of intermediary services shall notify *identification data, including* the name, *postal* address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date. *The Digital Service Coordinator in the Member State where that legal representative resides or is established shall, upon receiving that*

*information, make reasonable efforts to assess its validity.*

Or. en

**Amendment 917**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

**Proposal for a regulation  
Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative *resides or is established*. They shall ensure that that information is up to date.

*Amendment*

4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative *is designated*. They shall ensure that that information is up to date.

Or. en

*Justification*

*technical amendment*

**Amendment 918**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation  
Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Providers of intermediary services that would qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC if established in the Union, and who have been unsuccessful in designating a legal**

*representative after reasonable efforts, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative facilitates further cooperation and recommends possible solutions, including the possibility for collective representation.*

Or. en

**Amendment 919**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Providers of intermediary services that qualify as micro or small enterprises as defined in Recommendation 2003/361/EC, and who have been unsuccessful in obtaining the services of a legal representative after reasonable effort, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to obtain a legal representative facilitates further cooperation and recommends possible solutions, including possibilities for collective representation.**

Or. en

**Amendment 920**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Providers of online social networking services designated as very**

*large online platform according to Article 25 shall designate a legal representative to be bound to obligations laid down in this Article at the request of the Digital Services Coordinator of the Member States where this provider offers its services.*

Or. en

**Amendment 921**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC other than those which are either a very larger online platform or a marketplace.**

Or. en

*Justification*

*There is no need to require such representatives for all providers, especially those that are not VOLP or Marketplaces. Such a measure will likely just lead to geoblocking of access by Europeans to foreign providers of softwares such as apps or whole websites.*

**Amendment 922**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11a**

*Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:*

*(a) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC;*

*(b) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.*

Or. en

### **Amendment 923**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

### **Proposal for a regulation** **Article 12 – paragraph 1**

#### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. ***It*** shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

#### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. ***The use of algorithmic decision-making processes shall be notified to users whenever they are applied. The users shall be able, where appropriate, to switch easily from interaction with the algorithmic system to human interaction. The information*** shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible

format.

*Providers of intermediary services shall list the restrictions in relation to the use of their service for the dissemination of content deemed illegal under Union or Member State law in a clear and user-friendly manner, and differentiate the list from the general conditions for the use of their service so as to make the user aware of what is deemed illegal under the law and what is subject to the terms and conditions for the use of the service.*

Or. en

## **Amendment 924**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

##### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format. ***A summary of the terms and conditions, setting out the most important points in concise, clear and unambiguous language shall also be publicly available. The provider of the intermediary services shall ensure the possibility for a recipient of a service to unsubscribe from intermediary services, whereas the subscription is easily facilitated. In practice, both processes***

*shall be equally demanding for any recipient of a service.*

Or. en

#### **Amendment 925**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Andrea Caroppo, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. ***It*** shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

##### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including ***information about*** algorithmic decision-making and human review. ***Providers of intermediary services shall also include information on the right to terminate the use of the service. The possibility to terminate must be easily accessible for the user. Information on remedies and redress mechanisms shall also be included in the terms and conditions. The terms and conditions*** shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

Or. en

#### **Amendment 926**

**Clara Ponsatí Obiols**



**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

*Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. ***Such restrictions must respect the fundamental rights of the recipients, in particular the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively.*** That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

Or. en

**Amendment 927**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall ***include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose***

*Amendment*

1. Providers of intermediary services shall ***ensure that their terms and conditions prohibit the recipients of their services from providing information that is not in compliance with Union law or the law of the Member State where such information is made*** available.

***of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.***

Or. en

#### *Justification*

*Terms and conditions must include prohibition of content that is contrary to EU or local national law. They may provide for additional restrictions, provided that these restrictions are designed with due regard to fundamental rights. It should be clearly stated that providers of intermediary services must enforce their terms and conditions.*

#### **Amendment 928**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall ***include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their*** terms and conditions. ***That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out*** in clear and unambiguous language and ***shall be*** publicly available in an easily accessible format.

##### *Amendment*

1. Providers of intermediary services shall ***use fair, non-discriminatory and transparent contract*** terms and conditions ***that*** shall be ***drafted*** in clear and unambiguous language and ***are*** publicly available in an easily accessible format ***in a searchable archive of all the previous versions with their date of application.***

Or. en

## Amendment 929

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation Article 12 – paragraph 1

#### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

#### *Amendment*

1. Providers of intermediary services shall include information on any restrictions **or modifications** that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear, **user-friendly** and unambiguous language and shall be publicly available in an easily accessible **and machine-readable** format **in the languages in which the service is offered**.

Or. en

## Amendment 930

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation Article 12 – paragraph 1

#### *Text proposed by the Commission*

1. Les fournisseurs de services intermédiaires indiquent dans leurs conditions générales les renseignements relatifs aux éventuelles restrictions qu'ils imposent en ce qui concerne l'utilisation de leur service eu égard aux informations fournies par les bénéficiaires du service. Ces renseignements ont trait, notamment, aux politiques, procédures, mesures et outils utilisés à des fins de modération des

#### *Amendment*

1. Les fournisseurs de services intermédiaires indiquent dans leurs conditions générales les renseignements relatifs aux éventuelles restrictions qu'ils imposent en ce qui concerne l'utilisation de leur service eu égard aux informations fournies par les bénéficiaires du service. Ces renseignements ont trait, notamment, aux politiques, procédures, mesures et outils utilisés à des fins de modération des

contenus, y compris la prise de décision fondée sur des algorithmes et le réexamen par un être humain. Ils sont énoncés clairement et sans ambiguïté et sont publiquement disponibles dans un format facilement accessible.

contenus, y compris la prise de décision fondée sur des algorithmes et le réexamen par un être humain. Ils sont ***spécifiquement présentés à l'utilisateur au moment de sa souscription au service***, énoncés clairement et sans ambiguïté et sont publiquement disponibles dans un format facilement accessible.

Or. fr

### **Amendment 931**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

##### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used ***by the provider of the intermediary service*** for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible, ***machine-readable*** format.

Or. en

##### *Justification*

*technical and standard text on machine-readable for other European digital legislation*

**Amendment 932**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

*Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous, ***straightforward and understandable*** language and shall be publicly available in an easily accessible format.

Or. en

**Amendment 933**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services shall ***include information on any*** restrictions that ***they*** impose in relation to the use of their service ***in respect of*** information provided by the recipients of the service, ***in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and***

*Amendment*

1. Providers of intermediary services shall ***ensure that their terms and conditions prevent the recipients of their services from providing information that is not compliant with Union law or the law of the Member State where the information is provided. Any additional restrictions that providers of intermediary services may impose in relation to the use of their service and the information provided by the recipients of the service shall be in full compliance with the***

*unambiguous language and shall be publicly available in an easily accessible format.*

*fundamental rights of the recipients of the services as enshrined in the EU Charter on Fundamental Rights.*

Or. en

#### **Amendment 934**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

##### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear, *plain, intelligible* and unambiguous language and shall be publicly available in an easily accessible format.

Or. en

#### **Amendment 935**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

*1a. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of*

*information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review, and available remedies including applicable alternative dispute resolution mechanisms. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.*

*Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions, including information on the available remedies and the possibilities for opt-out, where relevant.*

Or. en

**Amendment 936**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Providers of intermediary services shall publish summary versions of their terms and conditions in clear, user-friendly and unambiguous language, and in an easily accessible and machine-readable format. Such a summary shall include information on remedies and redress mechanisms pursuant to Articles 17 and 18, where available.*

Or. en

**Amendment 937**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Brando Benifei, Eva Kaili, Alex Agius Saliba, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation**

**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Providers of intermediary services shall ensure their terms and conditions are age-appropriate and meet the highest European or International standards, pursuant to Article 34.**

Or. en

**Amendment 938**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Providers of intermediary services shall act in a diligent, **objective** and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, **with due regard to** the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

2. Providers of intermediary services shall act in a **coherent, predictable, non-discriminatory, transparent**, diligent, **non-arbitrary** and proportionate manner in applying and enforcing the restrictions **and modifications** referred to in paragraph 1, **in compliance with procedural safeguards and in full respect of** the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter **and relevant national law**.

Or. en

*Justification*

*Companies should apply their ToS so that all recipients of the service are treated in an equal manner, they should apply them in coherently (see Trump ban from social media networks that should have been implemented already years ago due to violations of ToS). The term*



*“non-arbitrary” is better framed in law and jurisprudence and more clearly defines what the provider is expected to do. Adding a reference to “national law” since the Charter rights need qualification in EU or domestic law, it's not applicable, otherwise it is. In Bauer (<https://curia.europa.eu/juris/document/document.jsf?text=&docid=207330&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1247802>, para.87) the Court suggested that individuals may, where appropriate, be directly required to comply with certain provisions of the Charter*

#### **Amendment 939**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation Article 12 – paragraph 2**

##### *Text proposed by the Commission*

2. Providers of intermediary services shall act in a diligent, objective and **proportionate** manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

##### *Amendment*

2. Providers of intermediary services shall act in a diligent, objective and **non-arbitrary** manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter **and, where applicable, any community or other standards created by recipients of the service.**

Or. en

##### *Justification*

*As cited in the matching recital, the key to prevent arbitrary decisions. Moreover, if community standards exist, they should be taken into account.*

#### **Amendment 940**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

#### **Proposal for a regulation Article 12 – paragraph 2**

##### *Text proposed by the Commission*

2. Providers of intermediary services

##### *Amendment*

2. Providers of intermediary services

shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to ***national and Union law***, the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service, ***in particular the freedom of expression and information***, as enshrined in the Charter.

Or. en

#### **Amendment 941**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation Article 12 – paragraph 2**

##### *Text proposed by the Commission*

2. Providers of intermediary services shall ***act in a diligent, objective and proportionate manner in applying and enforcing*** the restrictions referred to in paragraph ***1***, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

##### *Amendment*

2. Providers of intermediary services shall ***apply and enforce*** the restrictions referred to in paragraph ***2 in a diligent, objective, timely, proportionate and non-discriminatory manner***, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the ***national and Union law, including the EU Charter on Fundamental Rights***.

Or. en

#### **Amendment 942**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation Article 12 – paragraph 2**

##### *Text proposed by the Commission*

2. Providers of intermediary services

##### *Amendment*

2. Providers of intermediary services

shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, ***including the applicable*** fundamental rights of the recipients of the service as enshrined in the Charter.

shall act in a diligent, objective, ***timely***, and proportionate ***and non-discriminatory*** manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved. ***The*** fundamental rights of the recipients of the service as enshrined in the Charter ***shall be applied in particular when limitations imposed.***

Or. en

**Amendment 943**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Aanbieders van tussenhandelsdiensten handelen op een voorzichtige, objectieve en evenredige wijze bij de toepassing en handhaving van de in lid 1 vermelde beperkingen, met gepaste aandacht voor de rechten en gewettigde belangen van alle betrokken partijen, waaronder de van toepassing zijnde, in het Handvest verankerde grondrechten van de afnemers van de dienst.

*Amendment*

2. Aanbieders van tussenhandelsdiensten handelen op een voorzichtige, objectieve en evenredige wijze bij de toepassing en handhaving van de in lid 1 vermelde beperkingen, met gepaste aandacht voor de rechten en gewettigde belangen van alle betrokken partijen, waaronder de van toepassing zijnde, in het Handvest verankerde grondrechten van de afnemers van de dienst, ***in het bijzonder de vrijheid van meningsuiting en van informatie.***

Or. nl

**Amendment 944**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Providers of intermediary services

*Amendment*

2. Providers of intermediary services

shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

shall act in a ***fair, transparent, non-discriminatory***, diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

Or. en

#### **Amendment 945**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

##### *Text proposed by the Commission*

2. Providers of intermediary services shall ***act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.***

##### *Amendment*

2. Providers of intermediary services shall ***ensure that any additional restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service are designed with due regard to the fundamental rights as enshrined in the Charter.***

Or. en

#### **Amendment 946**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 2 – subparagraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***Providers of intermediary services shall enforce the additional restrictions referred to in the first subparagraph in a diligent, objective and proportionate manner, with due regard to the rights and***

*legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.*

Or. en

**Amendment 947**  
**Leszek Miller**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790, such platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions.*

Or. en

**Amendment 948**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790, such*

*platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions.*

Or. en

**Amendment 949**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose algorithms or any information that, with reasonable certainty, would result in the enabling of deception of consumers or consumer harm through the manipulation of their services. This Article shall be without prejudice to Directive (EU) 2016/943.*

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

**Amendment 950**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Barbara Thaler**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Obligations pursuant to paragraph 1 and 2 should not oblige a provider of an intermediary service to disclose information that will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets or intellectual property rights.*

Or. en

**Amendment 951**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Terms and conditions, or specific provisions thereof, community standards or any other internal guidelines or tools implemented by an intermediary service provider shall not be applied contrary to Article 7a.*

Or. en

**Amendment 952**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 bis.** *Leden 1 en 2 gelden onverminderd de universele dienstverplichting waarmee zeer grote sociale onlineplatforms zijn belast overeenkomstig artikel 33 bis.*

Or. nl

**Amendment 953**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 bis. Les fournisseurs de service en ligne ne peuvent pas exiger davantage dans leurs conditions en ligne que ce que la réglementation nationale prévoit là où le service est fourni.**

Or. fr

**Amendment 954**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Providers designated as very large online platforms as referred to in Article 25, shall publish their terms and conditions in all official languages of the Union.**

Or. en

**Amendment 955**  
**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Any restriction referred to in paragraph 1 must respect the**



*fundamental rights enshrined in the Charter and relevant national law.*

Or. en

**Amendment 956**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Intermediary service providers shall notify media service providers pursuant to article 7a beforehand of any proposed changes to their general terms and conditions and to their parameters or algorithms that might affect the organisation, presentation and display of content and services.***

***The proposed changes shall not be implemented before the expiry of a notice period that is reasonable and proportionate to the nature and extent of the proposed changes and their impact on media service providers and their contents and services.***

***That period shall begin on the date on which the online intermediary service provider notifies the media service providers of the proposed changes. The provision of new content and services on the intermediary services before the expiry of the notice period by a media service provider shall not be considered as a conclusive or affirmative action, given that such content is of particular importance for the exercise of fundamental rights, in particular the freedom of expression and information.***

Or. en

*Justification*

*Unilateral changes to intermediary services' terms and conditions have a potentially detrimental impact on media content's availability and visibility. For this reason, the author proposes a notification obligation for proposed changes to terms and conditions, inspired by the P2B Regulation.*

**Amendment 957**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Individuals who are enforcing restrictions on the basis of terms and conditions of providers of intermediary services shall be given adequate initial and ongoing training on the applicable laws and international human rights standards, as well as on the action to be taken in case of conflict with the terms and conditions. Such individuals shall be provided with appropriate working conditions, including professional support, qualified psychological assistance and qualified legal advice, where relevant.**

Or. en

**Amendment 958**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The Digital Services Coordinator of each Member State has the right to request very large online platforms to apply measures and tools of content**

*moderation, including algorithmic decision-making and human review reflecting Member State's socio-cultural context. The framework for this cooperation as well as specific measures related thereto may be laid down in national legislation and shall be notified to the Commission.*

Or. en

**Amendment 959**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Providers of intermediary services shall refrain from any dark patterns or other techniques to encourage the acceptance of terms and conditions, including giving consent to sharing personal and non-personal data.**

Or. en

*Justification*

*Providers should not prevent the fair choice of individuals by using techniques such as dark patterns.*

**Amendment 960**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 12 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Providers of intermediary services**

*shall notify the recipients of the service of any change to the contract terms and conditions that can affect their rights and provide a user-friendly explanation thereof. The changes shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged changes and to their consequences for the recipients of the service. That notice period shall be at least 15 days from the date on which the provider of intermediary services notifies the recipients about the changes. Failure to consent to such changes should not lead to basic services becoming unavailable.*

Or. en

*Justification*

*This is in line with IMCO INL (P9\_TA(2020)0272) and with Council of Europe Recommendation 2018/2 on the role and responsibilities of internet intermediaries.*

**Amendment 961**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 12 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The Digital Services Coordinator of each Member State, by means of national legislation, may request a very large online platform to cooperate with the Digital Services Coordinator of the Member State in question in handling cases involving the removal of lawful content online that is taken down erroneously if there is reason to believe that the Member State's socio-cultural context may have played a vital role.**

Or. en

**Amendment 962**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 12 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies available.**

Or. en

**Amendment 963**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 12 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Providers of intermediary services shall not require recipients of the service other than traders to make their legal identity public in order to use the service.**

Or. en

*Justification*

*public anonymity is a vital part of the internet and must be protected. At the same time, nothing should prevent providers requiring users to register to use their services.*

**Amendment 964**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 12 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. For providers other than very large online platforms, nothing in this Regulation shall prevent a provider of intermediary services provider concerned from terminating the contractual relationship with its recipients without clause, in the situations provided for in the terms and conditions. Providers of a very large online platform shall issue a statement for the termination to the recipient, and the recipient shall have access to the internal complaint mechanism under Article 17 and the out-of-court mechanism under Article 18.**

Or. en

*Justification*

*Freedom of Contract a fundamental right of the Union including within the rights of the Charter and must be respected as far as possible.*

**Amendment 965**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Tomasz Frankowski**

**Proposal for a regulation**

**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 12a**

**Traceability of business customers**

**1. A provider of intermediary services shall ensure that business customers can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior**

*to the use of its services, the provider of intermediary services has obtained the following information:*

*(a) the name, address, telephone number and electronic mail address of the business customer;*

*(b) a copy of the identification document of the business customer or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;*

*(c) the bank account details of the business customer, where the business customer is a natural person;*

*(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;*

*(e) where the business customer is registered in a corporate or trade register or similar public register, the register in which the business customer is registered and its registration number or equivalent means of identification in that register;*

*(f) a self-certification by the business customer committing to only offer products or services that comply with the applicable rules of Union law.*

*2. The provider of intermediary services shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any publicly accessible official online database or online interface made available by a Member State or the Union or through requests to the business customer to provide supporting documents from reliable and independent sources.*

*3. The provider of intermediary*

*services shall also verify that any person purporting to act on behalf of the business customer is so authorised and verify the identity of that person.*

*4. Where the provider of intermediary services obtains indications, including through a notification by law enforcement agencies or other individuals with a legitimate interest, that any item of information referred to in paragraph 1 obtained from the business customer concerned is inaccurate, misleading, incomplete, or otherwise invalid, that provider of an intermediary service shall request the business customer to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law. Where the business customer fails to correct or complete that information, the provider of intermediary services shall suspend the provision of its service to the business customer until the request is complied with.*

*5. The provider of intermediary services shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for a period of five years following the termination of their contractual relationship with the business customer concerned. They shall subsequently delete the information.*

*6. Providers of intermediary services shall apply the identification and verification measures not only to new business customers but they shall also update the information they hold on existing business customers on a risk-sensitive basis, and at least once a year, or when the relevant circumstances of a business customer change.*

*7. Without prejudice to paragraph 2, the provider of intermediary services shall disclose the information to third parties where so required in accordance with the applicable law, including the orders*



*referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation, as well as pursuant to proceedings initiated under other relevant provisions of Union or national law.*

*8. The provider of intermediary services shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.*

*9. The provider of intermediary services shall design and organise its online interface in a way that enables business customers to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.*

*10. The Digital Services Coordinator of establishment shall determine dissuasive financial penalties for non-compliance with any provision of this Article.*

Or. en

#### **Amendment 966**

**Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Sandro Gozi**

#### **Proposal for a regulation Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 12a**

#### **General Risk Assessment and Mitigation Measures**

*1. Providers of intermediary services shall identify, analyse and assess, at least once and at each significant revision of a service thereafter, the potential misuse or other risks stemming from the functioning*

*and use made of their services in the Union. Such a general risk assessment shall be specific to their services and shall include at least risks related to the dissemination of illegal content through their services and any contents that might have a negative effect on potential recipients of the service, especially minors and gender equality.*

*2. Providers of intermediary services which identify potential risks shall, wherever possible, attempt to put in place reasonable, proportionate and effective mitigation measures in line with their terms and conditions.*

*3. Where the identified risk relates to minors, without regard to if the child is acting with respect to the terms and conditions, mitigation measures shall include, taking into account the industry standards referred to in Article 34, where needed and applicable:*

*a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure those prioritise the best interests of the child;*

*b) adapting or removing system design features that expose or promote to children to content, contact, conduct and contract risks;*

*c) ensuring the highest levels of privacy, safety, and security by design and default for children including any profiling or use of data for commercial purposes;*

*d) if a service is targeted at children, provide child-friendly mechanisms for remedy and redress, including easy access to expert advice and support.*

*4. Providers of intermediary services shall, upon request, explain to the Digital Services Coordinator of the Member State of establishment, how it undertook this risk assessment and what voluntary*

*mitigation measures it undertook.*

Or. en

**Amendment 967**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

**Proposal for a regulation  
Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

***General Risk Assessment and Mitigation Measures***

- 1. Providers of intermediary services shall identify, analyse and assess, at least once and at each significant revision of a service thereafter, the potential misuse or other risks stemming from the functioning and use made of their services in the Union. Such a general risk assessment shall be specific to their services and shall include at least risks related to the dissemination of illegal content through their services and any contents that might have a negative effect on potential recipients of the service, especially minors.***
- 2. Providers of intermediary services which identify potential risks shall, wherever possible, attempt to put in place reasonable, proportionate and effective mitigation measures in line with their terms and conditions.***
- 3. Where the identified risk relations to minor recipients of the service, without regard to if the minor is acting with respect to the terms and conditions, mitigation measures shall include, where needed and applicable:***
  - a) adapting content moderation or recommender systems, their decision-***

*making processes, the features or functioning of their services, or their terms and conditions to ensure those prioritise the best interests of the minor;*

*b) adapting or removing system design features that expose or promote to minors to content, contact, conduct and contract risks;*

*c) ensuring the highest levels of privacy, safety, and security by design and default for users under the age of 16, including any profiling or use of data for commercial purposes;*

*d) if a service is targeted at minors, provide child-friendly mechanisms for remedy and redress, including easy access to expert advice and support.*

*4. Providers of intermediary services shall, upon request, explain to the Digital Services Coordinator of the Member State of establishment, how they undertook this risk assessment and what voluntary mitigation measures they undertook.*

Or. en

#### *Justification*

*Every provider should do their own internal risk assessment and maybe take additional voluntary measures to counter them. This should especially focus on minors.*

#### **Amendment 968**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Alex Agius Saliba, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

#### **Proposal for a regulation Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 12a*

#### *Child impact assessment*

*1. All providers must assess whether their services are accessed by, likely to be*

*accessed by or impact on children. Providers of services likely to be accessed by or impact on children shall identify, analyse and assess, during the design and development of new services, on an ongoing basis and at least once a year thereafter, any systemic risks stemming from the functioning and use made of their services in the Union by children. These risk impact assessments shall be specific to their services, meet the highest European or International standards detailed in Article 34, and shall consider all known content, contact, conduct or commercial risks included in the contract. Assessments should also include the following systemic risks:*

*a. the dissemination of illegal content or behaviour enabled, manifested on or as a result of their services;*

*b. any negative effects for the exercise of the rights of the child, as enshrined in Article 24 of the Charter and the UN Convention on the Rights of the Child, and detailed in the United Nations Committee on the Rights of the Child General comment No.25 as regards the digital environment;*

*c. any intended or unintended consequences resulting from the operation or intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection or rights of children;*

*2. When conducting child impact assessments, providers of intermediary services likely to impact children shall take into account, in particular, how their terms and conditions, content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of*

*information that is incompatible with their terms and conditions or with the rights of the child.*

Or. en

**Amendment 969**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

*Protection of minors*

*1. If a service is primarily aimed at minors, the providers of intermediary services shall explain conditions and restrictions for the use of the service in an age appropriate way and in a way that is applicable with rules for children's consent in accordance with Article 8 of GDPR.*

*2. The design and interface of services aimed at and highly used by minors must take into account that children do not have the same well-developed cognitive abilities as adults which makes them more vulnerable to manipulation. Therefore the services shall design their services in a way that children are protected against manipulation and 'dark patterns'*

Or. en

**Amendment 970**  
**Leszek Miller**

**Proposal for a regulation**  
**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

*Exclusions*

*Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:*

- (a) editorial platforms within the meaning of Article 2(h) of this Regulation;*
- (b) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC;*
- (c) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.*

Or. en

**Amendment 971**

**Ivan Štefanec**

**Proposal for a regulation**

**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

*Exclusions*

*Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:*

- (a) editorial platforms within the meaning of Article 2(h) of this Regulation;*
- (b) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.*

### *Justification*

*Newspapers and magazines depend on the possibility to offer third parties, their readers, the ability to comment or contribute to comment sections, editorial forums and communities in the context of their publications. These offerings are intermediary services according to the DSA. Such services are not merely optional add-ons that can be discontinued without any effect on the publications' journalistic and economic success. Rather, they are usually integral parts of the publication, indispensable to enable readers to engage in discussions with each other and with the editorial team. The proposed content control obligations of Chapter III DSA would create disproportionate and impossible burdens for those editorial platforms and jeopardise editorial freedom. These platforms generally don't provide any direct revenue to publishers and therefore any additional burden would render them impossible to operate. As a result, spaces for qualitative and serious discussions online would be diminished and the gatekeeper platforms would entrench their control over the formation of opinion online.*

#### **Amendment 972**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Article 12 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 12b**

##### ***Fair consent choice screens***

***1. Providers of intermediary services that ask the recipients of their service for consent as required by Regulation (EU) 2016/679 to collect or process personal data concerning them shall ensure that the end user choice screens shown to that end are designed in a fair and neutral manner and do not in any way subvert or impair user autonomy, decision-making, or choice via the choice screens' structure, function or manner of operation. In particular, providers shall refrain from:***

***(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision;***



*(b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope of purpose of such processing, especially by presenting a pop-up that interferes with user experience;*

*(c) urging a recipient of the service to change any setting or configuration of the service after the person in question has already made her choice, including by the use of a technical standard in accordance with paragraph 3;*

*(d) making the procedure of cancelling a service more cumbersome than signing up to it.*

*2. The Commission may adopt implementing acts to prescribe binding design aspects and functions of consent choice screens that fulfil the requirements of paragraph 1.*

*3. Providers of intermediary services shall accept the communication of consent choices made by the recipient of the service through automated means, including through standardised digital signals sent by the recipient's software used to access the service such as web browsers and operating systems.*

*4. The Commission shall promote and facilitate the development of technical standards for the automated communication of consent choices through international and Union standardisation bodies. Where standardisation bodies fail to develop a workable technical standard, the Commission shall, not later than two years after entry into force of this Regulation, designate a binding technical standard for the purpose of paragraph 3.*

Or. en

**Amendment 973**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Brando Benifei, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation  
Article 12 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 12b**

***Mitigation of risks to children***

***Providers of intermediary services likely to impact children shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 13 (12 a new). Such measures shall include, where applicable:***

- a. implementing mitigation measures identified in Article 27 with regard for children's best interests;***
- b. adapting or removing system design features that expose children to content, contact, conduct and contract risks, as identified in the process of conducting child impact assessments;***
- c. implementing proportionate and privacy preserving age assurance, meeting the standard outlined in Article 34;***
- d. adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure they prioritise the best interests of the child;***
- e. ensuring the highest levels of privacy, safety, and security by design and default for users under the age of 18;***
- f. preventing profiling, including for commercial purposes like targeted advertising;***
- g. ensuring published terms are age appropriate and uphold children's rights;***
- h. providing child-friendly mechanisms***

*for remedy and redress, including easy access to expert advice and support;*

Or. en

**Amendment 974**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least *once* a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish *in an easily accessible manner*, at least *twice* a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. *The reports must be searchable and archived for further use.* Those reports shall include, in particular, information on the following, as applicable:

Or. en

**Amendment 975**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports *on any content moderation they engaged in during the relevant period. Those reports shall include, in particular,* information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports *including* information on the following, as applicable:

**Amendment 976**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farré, Marco Zullo, Karen Melchior**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily **accessible**, comprehensible, and detailed reports on any content moderation they engaged in during the relevant period. ***The reports shall be available in searchable archives.*** Those reports shall include, in particular, information on the following, as applicable:

**Amendment 977**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Marco Zullo, Karen Melchior**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports ***to their Digital Services Coordinator of establishment*** on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Justification*

*It must be clear to whom the reports should be published.*

**Amendment 978**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish ***in a standardised and machine-readable format***, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

Or. en

*Justification*

*Under NetzDG the main problem for authorities, researchers and civil society is that the reports are not homogenous and it is therefore impossible to do research and compare the reports. Therefore, they should be standardized and machine-readable.*

**Amendment 979**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible ***and detailed*** reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear ***and*** easily comprehensible reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the

the following, as applicable:

following, as applicable:

Or. en

#### **Amendment 980**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) *the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders;*** ***deleted***

Or. en

#### *Justification*

*This provision is duplicative with the article 44. The additional changes introduced in the article 44 sufficiently replace deleted part of the article 13.*

#### **Amendment 981**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed *for taking the action specified in those orders;***

**(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed *to inform the authority issuing the order of its receipt and the effect given to the order;***

*Justification*

*The wording should match the requirement of Article 8 and 9*

**Amendment 982**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) le nombre d'injonctions reçues des autorités des États membres, classées par type de contenus *illicites* concernés, y compris les injonctions émises conformément aux articles 8 et 9, et le délai moyen nécessaire pour entreprendre l'action spécifiée dans ces injonctions;

*Amendment*

(a) le nombre d'injonctions reçues des autorités des États membres, classées par type de contenus *illégaux* concernés, y compris les injonctions émises conformément aux articles 8 et 9, et le délai moyen nécessaire pour entreprendre l'action spécifiée dans ces injonctions;

Or. fr

**Amendment 983**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, *the number of notices submitted by trusted flaggers*, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;  
*Providers of intermediary services may*

***add additional information as to the reasons for the average time for taking the action.***

Or. en

*Justification*

*additional clarification*

**Amendment 984**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) le nombre de notifications soumises conformément à l'article 14, classées par type de contenus *illicites* concernés, toute action entreprise au titre des notifications ***en précisant si l'action a été entreprise sur la base de la législation ou des conditions générales du fournisseur***, et le délai moyen nécessaire pour entreprendre l'action;

*Amendment*

(b) le nombre de notifications soumises conformément à l'article 14, classées par type de contenus ***illégaux*** concernés, toute action entreprise au titre des notifications, et le délai moyen nécessaire pour entreprendre l'action;

Or. fr

**Amendment 985**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, ***the number of notices submitted by trusted flaggers***, any action taken pursuant to the notices by



the terms and conditions of the provider, and the average time needed for taking the action;

differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

Or. en

#### **Amendment 986**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

##### *Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average **and median** time needed for taking the action;

Or. en

#### **Amendment 987**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the **type of** reason and basis

##### *Amendment*

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, **including removals, suspensions, demotions or the imposition of other**

for taking those measures;

*sanctions*, categorised by the reason and basis for taking those measures, *as well as measures taken to provide training and assistance to members of staff who are engaged in content moderation.*

Or. en

**Amendment 988**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) de inhoudsmoderatie die is uitgevoerd op eigen initiatief van de dienstverleners, met inbegrip van het aantal en de soort genomen maatregelen die een invloed hebben op de beschikbaarheid, zichtbaarheid en toegankelijkheid van door de afnemers van de dienst verstrekte informatie en de mogelijkheid van de afnemers om informatie te verstrekken, ingedeeld per soort reden en grondslag om deze maatregelen te nemen;

*Amendment*

(c) ***onverminderd artikel 33 bis***, de inhoudsmoderatie die is uitgevoerd op eigen initiatief van de dienstverleners, met inbegrip van het aantal en de soort genomen maatregelen die een invloed hebben op de beschikbaarheid, zichtbaarheid en toegankelijkheid van door de afnemers van de dienst verstrekte informatie en de mogelijkheid van de afnemers om informatie te verstrekken, ingedeeld per soort reden en grondslag om deze maatregelen te nemen; ***de aanbieders van tussenhandelsdiensten verschaffen daarbij duidelijke gegevens over het gebruik van geautomatiseerde systemen;***

Or. nl

**Amendment 989**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the content moderation engaged in at the providers' own initiative, including the **number and** type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures;

*Amendment*

(c) **meaningful and comprehensible information about** the content moderation engaged in at the providers' own initiative, including the type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures;

Or. en

#### **Amendment 990**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) **the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.**

*Amendment*

**deleted**

Or. en

*Justification*

*Moved to article 23.*

#### **Amendment 991**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

*Amendment*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, ***measures and tools used for the purpose of content moderation, including the impact of algorithmic decision-making compared to human review***, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

Or. en

**Amendment 992**  
**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Alex Agius Saliba, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

*Amendment*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, ***the age of complainants (if children)***, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

Or. en

**Amendment 993**  
**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

*Amendment*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average **and median** time needed for taking those decisions and the number of instances where those decisions were reversed.

Or. en

**Amendment 994**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) All providers of intermediary services that are likely to be accessed by children must include provisions and resources in place to safeguard children’s rights and wellbeing as described in the UN Convention on the Rights of the Child and the Convention’s General Comment 25. The impact of services on children must be assessed regularly and children’s rights and wellbeing embedded in the design of services’ updates and innovation.***

Or. en

*Justification*

*Children’s rights and wellbeing must be embedded in the design of digital services. Conducting regular impact assessments and developing adequate mechanisms to mitigate risk and harm must also reflect how said services promote and enhance children’s rights and wellbeing. It is critical to assess how to protect children online (assess “risks” and develop “risk mitigation mechanisms”), as well as assess how the services effectively promote children’s empowerment as users of digital services (therefore, evaluating “children’s rights*

*and wellbeing impact” in the assessment as recognized by the UN GC 25). This assessment should apply to all providers of intermediary services that are likely to be accessed by children and it should be part of Article 13’s provisions on transparency reporting obligations*

**Amendment 995**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose information that, with reasonable certainty, would result in public harm through the manipulation of content moderation procedures or the disclosure of trade secrets, in line with Directive (EU) 2016/943.***

Or. en

**Amendment 996**  
**Marco Zullo**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) if available, the Member State from which the illegal action originates.***

Or. en

**Amendment 997**  
**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Alex Agius Saliba, Ioan-Rareş Bogdan, Josianne Cutajar, Eva Kaili**

**Proposal for a regulation**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of intermediary services that impact on children shall publish, at least once a year:***

***a. child impact assessments to identify known harms, unintended consequences and emerging risk. The child impact assessments must comply with the standards outlined in Article 34;***

***b. clear, easily comprehensible and detailed reports outlining the child risk mitigation measures undertaken, their efficacy and any outstanding actions required. These reports must comply with the standards outlined in Article 34, including as regards age assurance and age verification, in line with a child-centred design.***

Or. en

**Amendment 998**  
**Maria Grapini, Christel Schaldemose, Andreas Schieder, Marc Angel**

**Proposal for a regulation**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of intermediary services shall ensure that the identity, such as the trademark, logo or other characteristic traits, of the business user providing the goods, content or services on the intermediary services is clearly visible alongside the goods, content or services offered.***

Or. en

## *Justification*

*In order to enhance consumer protection, online safety and promote fairness among market participants, it is necessary that the DSA includes an obligation for intermediary service providers to clearly indicate the identity of the business user alongside the goods and services offered by the business user. This obligation is modelled on the Platform-to-Business Regulation and would be applicable to all intermediary service providers and not just online intermediation services (as per the P2B Regulation). Ultimately, it would further reinforce the DSA's objectives of building a transparent and safe online environment, empowering consumers to easily identify the provider of goods or services (including in cases when goods or services are offered by the intermediary service provider) and ensuring that they have trust in the goods, content and services offered online.*

### **Amendment 999**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where providers of intermediary services do not make the report under paragraph 1 available to the general public, at least a summary of the report under paragraph 1 shall be made available to the general public.***

Or. en

### **Amendment 1000**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The information provided shall be broken down per Member State in which services are offered and in the Union as a whole.***



**Amendment 1001**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.**

**deleted**

Or. en

*Justification*

*Exemption is moved to -10 (new) above.*

**Amendment 1002**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro **or** small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro, small **or medium sized** enterprises (**SMEs**) within the meaning of the Annex to Recommendation 2003/361/EC. **In addition, paragraph 1 shall not apply to enterprises that previously qualified for the status of a medium-sized, small or micro-enterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.**

**Amendment 1003**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall **not** apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

2. Paragraph 1 shall apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. ***Following an additional individual risk assessment, the Digital Services Coordinator of establishment may extend the exemption to selected medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.***

**Amendment 1004**

**Barbara Thaler**

**Proposal for a regulation**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply to providers of intermediary services that ***qualify as micro or small enterprises within the meaning*** of the Annex to Recommendation 2003/361/EC.

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that ***provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 9 million, calculated in accordance with the methodology set out in the delegated acts referred to in Article 25 paragraph 3.***

## Amendment 1005

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Article 13 – paragraph 2

##### *Text proposed by the Commission*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

##### *Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC **and which are not very large online platforms in accordance with Article 25.**

Or. en

##### *Justification*

*It may occur that an micro or small enterprise is also a VLOP. In these occasions, it is reasonable to apply all rules.*

## Amendment 1006

Maria da Graça Carvalho

### Proposal for a regulation

#### Article 13.º – paragraph 2

##### *Text proposed by the Commission*

2. O n.º 1 não se aplica aos prestadores de serviços intermediários suscetíveis de ser considerados micro **ou** pequenas empresas na aceção do anexo da Recomendação 2003/361/CE.

##### *Amendment*

2. O n.º 1 não se aplica aos prestadores de serviços intermediários suscetíveis de ser considerados micro, pequenas **ou médias** empresas na aceção do anexo da Recomendação 2003/361/CE.

Or. pt

## Amendment 1007

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

2. Paragraph 1 **and 1a** shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

**Amendment 1008**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro **or small** enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

**Amendment 1009**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Paragraph 1 shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or**

*capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.*

Or. en

#### **Amendment 1010**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where made available to the public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions.**

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

#### **Amendment 1011**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt delegated acts in accordance with Article**

*69, after consulting the Board, to lay down specific templates of reports referred to in paragraph 1.*

Or. en



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS 1012 - 1301**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))





**Amendment 1012**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**Trusted flaggers**

- 1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided immediately, without prejudice to the implementation of a complaint and redress mechanism.**
- 2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions, without prejudice to the implementation of a complaint and redress mechanism:**
  - (a) it has particular expertise and competence, for the purposes of detecting, identifying and notifying illegal content;**
  - (b) it represents collective interests including general interest to prevent or provide redress for infringements of Union law and is independent from any online platform;**
  - (c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner, and it is independent.**
- 3. The conditions set in paragraph 2 shall allow trusted flaggers' notifications to be sufficient for immediate removal or disabling of the content notified by them.**

***4. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.***

***5. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.***

***6. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices, or notices aimed at distorting competition, through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.***

***7. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. The Digital Services Coordinator may take into account any evidence according to which the entity would have used its status to distort competition. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.***

**8. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 6 and 7.**

Or. en

**Amendment 1013  
Karen Melchior**

**Proposal for a regulation  
Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**Fair consent choice screens**

**1. Providers of intermediary services that ask the recipients of their service for consent as required by Regulation 2016/679 to collect or process personal data concerning them shall ensure that the end user choice screens shown to that end are designed in a fair and neutral manner and do not in any way subvert or impair user autonomy, decision-making, or choice via the choice screens' structure, function or manner of operation.**

**In particular, providers shall refrain from:**

**(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision;(b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope of purpose of such processing, especially by presenting a pop-up that interferes with user experience;**

**(b) urging a recipient of the service to change any setting or configuration of the service after the person in question has already made her choice, including by the**

*use of a technical standard in accordance with paragraph 4;*

*(c) making the procedure of cancelling a service more cumbersome than signing up to it.*

*2. The Commission may adopt implementing acts to prescribe binding design aspects and functions of consent choice screens that fulfil the requirements of paragraph 1.*

*3. Providers of intermediary services shall accept the communication of consent choices made by the recipient of the service through automated means, including through standardised digital signals sent by the recipient's software used to access the service such as web browsers and operating systems.*

*4. The Commission shall promote and facilitate the development of technical standards for the automated communication of consent choices through international and EU standardisation bodies. Where standardisation bodies fail to develop a workable technical standard, the Commission shall, not later than two years after entry into force of this Regulation, designate a binding technical standard for the purpose of paragraph 3.*

Or. en

**Amendment 1014**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 13a*

*Online interface design*

1. *The use of dark patterns by providers of intermediary services when presenting options to or interacting with recipients of the service through their online interfaces is prohibited.*
2. *A choice or decision made by the recipient of the service using online interfaces that do not comply with the requirements of paragraph 1 shall not constitute consent.*
3. *The Agency shall publish official guidelines including a list of specific design patterns that qualify as subverting or impairing the autonomy, decision making, or choice of the recipients of the service. The Agency shall keep this list updated in the light of technological developments and, in the case of very large online platforms, assessments related to systemic risks identified in accordance with Article 27(2).*

Or. en

#### *Justification*

*In line with the definition in Article 2. The use of dark patterns should be prohibited for all intermediary services as all recipients of intermediary services should be equally protected from being manipulated into making choices or setting their preference to their own detriment and to the benefit of the service. At the same time, ensuring free, autonomous choice protects fair competition as well as consumer welfare. Finally, such a prohibition creates trust in the digital world, as it takes away the fear of being steered by manipulative practices*

#### **Amendment 1015**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Biljana Borzan, Brando Benifei, Monika Beňová**

#### **Proposal for a regulation Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 13a*

*Display of the identity of business users*

**1. A provider of intermediary services shall ensure that the identity of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered.**

**2. For this purpose, a provider of intermediary services shall establish a standardized and mandatory interface for business users. A content, good or service shall only be displayed to users, if the necessary contact information is made available.**

**3. A provider of intermediary services shall on a regular basis conduct checks on the information provided by a business user in accordance with paragraph (2).**

Or. en

#### *Justification*

*In order to use their rights, consumers need to have clear and easily accessible ways of getting in contact with traders. This provision aims at establishing a better overview for consumers and transfers obligations to the providers of intermediary services.*

**Amendment 1016**  
**Marc Angel, Christel Schaldemose**

**Proposal for a regulation**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

***Remedies for consumers***

***Consumers harmed by practices contrary to this Regulation shall have access to proportionate and effective remedies, including compensation for damage suffered by consumers and, where relevant, a price reduction or the termination of the contract. Member States may determine the conditions for the application and effects of those remedies. Member States may take into***

*account, where appropriate, the gravity and nature of the illegal practices, the damage suffered by consumers and other relevant circumstances.*

Or. en

*Justification*

*In order to allow redress actions such as contract cancellation or financial compensation, it is necessary that such sanctions are specified in case intermediary service providers/online platforms infringe DSA obligations newly introduced to protect consumers essentially in online trade. Therefore we consider that the DSA should introduce a general provision mirroring Article 11a of Directive 2005/29/EC on unfair commercial practices (amendment resulting from the Omnibus Directive 2019/2161).*

**Amendment 1017**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**Display of the identity of traders**

***Intermediary service providers shall ensure that the identity, such as the trademark or logo or other characteristic traits, of the provider providing content, goods or services on the intermediary services is clearly visible alongside the content, goods or services offered.***

Or. en

*Justification*

*Visual information about the origin of the content (like a logo) is essential for the visibility of media service providers (but also other business customers) and prevents appropriation of third-party content by intermediaries, thus intermediaries should be obliged to display them.*

**Amendment 1018**

**Maria Grapini, Andreas Schieder**

**Proposal for a regulation**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

***Measures against the reappearance of  
illegal content***

***Where an intermediary service detects and identifies illegal goods or services, it shall prevent this content from reappearing on its service. The application of this requirement shall not lead to any general monitoring obligation.***

Or. en

*Justification*

*In order to effectively and meaningfully address the proliferation of illegal products and services on intermediary services, measures need to be implemented by these services to prevent illicit content from reappearing after having been taken down. Such measures, undertaken horizontally by all intermediary services, will contribute to a safer online environment.*

**Amendment 1019**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Maria Grapini, Biljana Borzan, Paul Tang, Tiemo Wölken, Monika Beňová**

**Proposal for a regulation**  
**Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13b**

***Targeted advertising***

***Providers of intermediary services shall not collect or use personal data of a service recipient for the purpose of targeting or tailoring digital advertising. If a service provider legitimately receives information that allows it to make assumptions about the physical, physiological, genetic, mental, economic,***



*cultural or social identity of a user, this information shall not be used for advertising purposes, specifically not for targeting or tailoring of advertising.*

Or. en

#### **Amendment 1020**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné**

#### **Proposal for a regulation**

#### **Chapter III – Section 2 – title**

*Text proposed by the Commission*

Additional provisions applicable to providers of hosting services, including online platforms

*Amendment*

Additional provisions applicable to providers of hosting services, including online platforms *and to providers of live streaming platform services and of private messaging services*

Or. en

#### **Amendment 1021**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Chapter III – Section 2 – title**

*Text proposed by the Commission*

Additional provisions applicable to providers of hosting services, including online platforms

*Amendment*

Additional provisions applicable to providers of hosting services, including online platforms, *and to providers of livestreaming platform services and of private messaging services*

Or. en

#### **Amendment 1022**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

*Amendment*

1. Providers of hosting *services, providers of live streaming platform services and of private messaging* services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content, *or content that is in breach with their terms and conditions*. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means *and may include:*

*(a) a clearly identifiable banner or single reporting button, allowing users to notify quickly and easily the providers of these services of illegal content they have encountered;*

*(b) providing information to the users on what is considered illegal content under Union and national law;*

*(c) providing information to the users on available national public tools to signal illegal content to the competent authorities.*

Or. en

**Amendment 1023**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any

*Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any

individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

individual or **non-governmental** entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means **and may include:**

**(a) a clearly identifiable banner or single reporting button, allowing the users of those services to notify quickly and easily the providers of hosting services;**

**(b) providing information to the users on what is considered illegal content under Union and national law;**

**(c) providing information to the users on available national public tools to signal illegal content to the competent authorities in Member States where the service is directed.**

Or. en

#### *Justification*

*The system should be easy to find and use by individuals. Moreover, with the exemption of selected trusted flaggers, these systems are designed for non-government entities and individuals. Legal authorities have other means to request the removal of content, including within this Regulation.*

#### **Amendment 1024**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 14 – paragraph 1**

##### *Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-

##### *Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-

friendly, and allow for the submission of notices exclusively by electronic means.

friendly, and allow for the submission of notices exclusively by electronic means. ***These mechanisms shall be close to the content in question and located on the same level in the online interface as, and clearly distinguishable from, where applicable, mechanisms for notification of alleged violations of terms and conditions. The Commission shall adopt delegated acts in accordance with Article 69 to lay down specific requirements regarding the mechanisms referred to in paragraph 1.***

Or. en

### *Justification*

*Experience with NetzDG has shown that some platforms simply hide the notification system for illegal content deep in their systems' interface. This amendment ensures that the notification "button" or similar mechanism will be directly findable by the user and as easy to use as the normal flag or notification system that most platforms already have in place for their terms and conditions. It also will permit more accurate transparency reports to be prepared by the platforms.*

## **Amendment 1025**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

### **Proposal for a regulation Article 14 – paragraph 1**

#### *Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, **and allow** for the submission of notices exclusively by electronic means.

#### *Amendment*

1. ***Private messaging services and providers of hosting services, including online platforms,*** shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, ***clearly visible, low-threshold,*** user-friendly ***and located close to the content in question allowing*** for the submission of notices exclusively by electronic means.

Or. en

**Amendment 1026**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Aanbieders van hostingdiensten voeren mechanismen in om personen of entiteiten in staat te stellen hen op de hoogte te brengen van de aanwezigheid op hun dienst van specifieke informatie die de persoon of entiteit als illegale inhoud beschouwt. Die mechanismen moeten gemakkelijk toegankelijk en gebruikersvriendelijk zijn en indiening met uitsluitend elektronische middelen mogelijk maken.

*Amendment*

1. Aanbieders van hostingdiensten, **met uitzondering van micro- of kleine ondernemingen zoals gedefinieerd in Aanbeveling 2003/361/EG**, voeren mechanismen in om personen of entiteiten in staat te stellen hen op de hoogte te brengen van de aanwezigheid op hun dienst van specifieke informatie die de persoon of entiteit als illegale inhoud beschouwt. Die mechanismen moeten gemakkelijk toegankelijk en gebruikersvriendelijk zijn en indiening met uitsluitend elektronische middelen mogelijk maken.

Or. nl

**Amendment 1027**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

*Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content **or information that is incompatible with the terms and conditions of the provider**. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

*Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

**Amendment 1028****Karen Melchior****Proposal for a regulation****Article 14 – paragraph 1***Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

*Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, **clearly visible**, user-friendly, **located in close proximity to the content** and allow for the submission of notices exclusively by electronic means.

**Amendment 1029****Maria Grapini, Christel Schaldemose, Marc Angel, Evelyne Gebhardt****Proposal for a regulation****Article 14 – paragraph 1***Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity

*Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity

considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means, *for example through online web forms.*

Or. en

**Amendment 1030**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Article 14.º – paragraph 1**

*Text proposed by the Commission*

1. Os prestadores de serviços de armazenagem em servidor devem criar mecanismos que permitam a qualquer cidadão ou entidade notificá-los da presença, no seu serviço, de elementos específicos de informação que o cidadão ou a entidade considere ser conteúdo ilegal. Esses mecanismos devem ser de fácil acesso e utilização, e permitir a apresentação de notificações exclusivamente por meios eletrónicos.

*Amendment*

1. Os prestadores de serviços de armazenagem em servidor devem criar mecanismos que permitam a qualquer cidadão ou entidade notificá-los da presença, no seu serviço, de elementos específicos de informação que o cidadão ou a entidade considere ser conteúdo ilegal. Esses mecanismos devem ser de fácil acesso, *compreensão* e utilização, e permitir a apresentação de notificações exclusivamente por meios eletrónicos.

Or. pt

**Amendment 1031**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Les fournisseurs de services d'hébergement établissent des mécanismes permettant à tout individu ou à toute entité de leur signaler la présence au sein de leur service d'informations spécifiques considérées comme du contenu *illicite* par l'individu ou l'entité. Ces mécanismes sont

*Amendment*

1. Les fournisseurs de services d'hébergement établissent des mécanismes permettant à tout individu ou à toute entité de leur signaler la présence au sein de leur service d'informations spécifiques considérées comme du contenu *illégal* par l'individu ou l'entité. Ces mécanismes sont

faciles d'accès et d'utilisation et permettent la soumission de notifications exclusivement par voie électronique.

faciles d'accès et d'utilisation et permettent la soumission de notifications exclusivement par voie électronique.

Or. fr

### **Amendment 1032**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of **sufficiently** precise and adequately substantiated notices, on the basis of which **a diligent** economic operator can **identify the illegality of the content in question**. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of precise and adequately substantiated notices, on the basis of which **an** economic operator can **establish, in a diligent manner and without discrimination, whether the notice concerns illegal content as defined in Article 2(g) of these Regulations**. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

### **Amendment 1033**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the



basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable **and** facilitate the submission of notices containing all of the following elements:

basis of which a diligent economic operator can identify the illegality **or the breach** of the content in question **with the terms and conditions**. To that end, the providers shall take the necessary measures to enable facilitate the submission of notices containing all of the following elements:

Or. en

#### **Amendment 1034**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator **can** identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator **may, in some cases**, identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of **valid** notices containing all of the following elements:

Or. en

#### **Amendment 1035**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and

adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality *or incompatibility* of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

#### *Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

#### **Amendment 1036**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be ***such as to facilitate the submission of*** sufficiently precise and adequately substantiated ***notices***, on the basis of which a diligent ***economic operator*** can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

##### *Amendment*

2. ***Notices submitted under*** the mechanisms referred to in paragraph 1 shall be sufficiently precise and adequately substantiated, on the basis of which a diligent ***reviewer*** can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

#### **Amendment 1037**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;

*Amendment*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content. ***The possibility of identifying, on the basis of a list drawn up in agreement with the Digital Service Coordinator, the type of illegal content to which the individual or entity presumes the reported content below, to should also be foreseen;***

Or. en

**Amendment 1038**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;

*Amendment*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content, ***or content that is in breach with providers' terms and conditions;***

Or. en

**Amendment 1039**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) an explanation of the reasons why the individual or entity considers the

*Amendment*

(a) an explanation of the reasons why the individual or entity considers the

information in question to be illegal content;

information in question to be illegal content *or incompatible with the provider's terms and conditions*;

Or. en

*Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

**Amendment 1040**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) une explication des raisons pour lesquelles l'individu ou l'entité considère que les informations en question constituent un contenu *illicite*;

*Amendment*

(a) une explication des raisons pour lesquelles l'individu ou l'entité considère que les informations en question constituent un contenu *illégal*;

Or. fr

**Amendment 1041**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*(aa) evidence that substantiates the claim, where possible;*

*Amendment*

Or. en

**Amendment 1042**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) ***a clear indication of the electronic location of that information, in particular the exact URL or URLs, and,*** where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) where necessary, additional information enabling the identification of the illegal content;

Or. en

**Amendment 1043**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content, ***or content that is in breach with providers' terms and conditions;***

Or. en

**Amendment 1044**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular***

*Amendment*

(b) a clear indication of the electronic location of that information and, where

*the exact URL or URLs*, and, where necessary, additional information enabling the identification of the illegal content;

necessary *and applicable* additional information enabling the identification of the illegal content *which shall be appropriate to the type of content and to the specific type of intermediary*;

Or. en

#### **Amendment 1045**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, *in particular the exact* URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;

##### *Amendment*

(b) a clear indication of the *exact* electronic location of that information, *such as the* URL or URLs *or other identifiers where appropriate*, and, where necessary, additional information enabling the identification of the *alleged* illegal content;

Or. en

##### *Justification*

*The exact location of the content is needed, otherwise the notice risks to lack precision and would allow, for instance, that only a website name (“Facebook”) is given by the individual that notifies.*

#### **Amendment 1046**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling

##### *Amendment*

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling

the identification of the illegal content;

the identification of the illegal *or incompatible* content;

Or. en

*Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

**Amendment 1047**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, *where possible*, and, where necessary, additional information enabling the identification of the illegal content;

Or. en

**Amendment 1048**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) une indication claire de l'adresse électronique de ces informations, en particulier le(s) URL exacte(s), et, le cas échéant, des informations complémentaires permettant de repérer le contenu *illicite*;

*Amendment*

(b) une indication claire de l'adresse électronique de ces informations, en particulier le(s) URL exacte(s), et, le cas échéant, des informations complémentaires permettant de repérer le contenu *illégal*;

Or. fr

## Amendment 1049

Alex Agius Saliba, Christel Schaldemose

### Proposal for a regulation

#### Article 14 – paragraph 2 – point b

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular*** the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information, ***such as*** the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;

Or. en

*Justification*

*technical AM to align the rest of the text.*

## Amendment 1050

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 14 – paragraph 2 – point b

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular the exact URL or URLs, and, where necessary, additional information*** enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information enabling the identification of the illegal content ***if the application of the service that is used by the recipient allows it;***

Or. en

*Justification*

*Justification* There is a need for technology-neutral and future-proof notices. The current link made in the proposal between electronic location data and URLs, does not satisfy such requirements as for some technologies URLs are simply irrelevant and inadequate to locate illegal information. That is the case of apps, messaging apps, or live-streaming platforms and as technology develops, this will continue to be an issue. Thus, the reference to URLs must be removed, to allow for a wide enough scope that encompasses any future technological



*development.*

#### **Amendment 1051**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) *the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;*** ***deleted***

Or. en

#### *Justification*

*Users should have the right to notify anonymously, this is particularly important for victims, and for member of minority or vulnerable groups – instead, the suggestion is to amend paragraph 4 to give users the choice whether or not to include contact details.*

#### **Amendment 1052**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) a statement confirming *the good faith belief of* the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.**

**(d) a statement confirming the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete *to the best available knowledge.***

Or. en

*Justification*

*Notices should be based on knowledge, not mere believes. Just because something might "feel" illegal, does not make it so.*

**Amendment 1053**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.** *deleted*

Or. en

**Amendment 1054**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.** *deleted*

Or. en

*Justification*

*Providers of hosting services cannot have actual knowledge of illegality once they receive a*

*notice that meets the requirements of Article 14 (2). Imputing such “actual knowledge” to them creates a strong incentive to over-remove content since they lose immunity from liability upon receipt of an adequately substantiated notice (which may not even make a reference to illegal content) and may therefore be held liable if they fail to take action. Secondly, it puts hosting providers in the position of deciding the legality of content in the first instance rather than the courts, which is inappropriate from a rule of law perspective in a democratic society. Finally, the CJEU has confirmed this in Peterson v Google (ECLI:EU:C:2020:586) that “notices cannot automatically preclude the exemption from liability”.*

## **Amendment 1055**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.** **deleted**

Or. en

## **Amendment 1056**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned ***where there is no doubt as to the illegality of the specific item of content. In case of uncertainty and after taking reasonable steps to assess the illegality of the specific item of content, withholding from removal of the***

*content by the provider shall be perceived as acting in good faith and shall not lead to waiving the liability exemption provided for in Article 5.*

Or. en

**Amendment 1057**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to ***actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.***

*Amendment*

3. ***Adequately substantiated*** notices that include the elements referred to in paragraph 2 shall be considered to give rise to ***an obligation to investigate the notice in an effective and timely manner. If a provider is unable to determine if a notice is valid, a provider may ask the Digital Service Coordinator or other national administrative bodies for an opinion before removing or disabling the content.***

Or. en

*Justification*

*Notices must be investigated in a timely manner. Before they are investigated, it is not possible for a provider to know if the information included is correct and proper.*

**Amendment 1058**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge

*Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge

or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

or awareness for the purposes of Article 5 in respect of the specific item of information concerned **and shall create an obligation on behalf of the notified provider of hosting services to remove or disable access to the notified information expeditiously.**

Or. en

### **Amendment 1059**

**Evelyne Gebhardt, Petra Kammerevert, Andreas Schieder, Monika Beňová**

#### **Proposal for a regulation Article 14 – paragraph 3**

##### *Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

##### *Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned. ***A provider shall be exempted from liability despite knowledge for a time that is appropriate to take an informed decision on the matter.***

Or. en

##### *Justification*

*If notices are automatically linked to the notion that platforms have acquired actual knowledge, the perspective of no longer benefiting from the liability exemption increases the incentives for overblocking. Therefore, the time to make a informed decision should be granted to platforms.*

### **Amendment 1060**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices that include the elements referred to in paragraph 2 ***on the basis of which a diligent provider of hosting services is able to assess the illegality of the content in question***, shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

Or. en

*Justification*

*To clarify that only substantiated notices lead to actual knowledge, to prevent over-removal of legal content.*

**Amendment 1061**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices that include the elements referred to in paragraph 2 shall ***only*** be considered to ***automatically*** give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned ***if the specific item of information is manifestly illegal***.

Or. en

**Amendment 1062**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Berichten die de in lid 2 genoemde elementen bevatten, **worden verondersteld** aanleiding **te geven** tot werkelijke kennis of bekendheid van die specifieke informatie voor de toepassing van artikel 5.

*Amendment*

3. Berichten die de in lid 2 genoemde elementen bevatten, **geven alleen** aanleiding tot werkelijke kennis of bekendheid van die specifieke informatie voor de toepassing van artikel 5 **wanneer het gaat om manifest illegale inhoud die verband houdt met ernstige misdrijven**.

Or. nl

**Amendment 1063**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices **that are adequately precise, substantiated and** that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

Or. en

**Amendment 1064**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall **promptly**

*Amendment*

4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall, **without**

send a confirmation of receipt of the notice to that individual or entity.

*undue delay*, send a confirmation of receipt of the notice to that individual or entity.

Or. en

#### **Amendment 1065**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 14 – paragraph 4**

*Text proposed by the Commission*

4. *Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall promptly send a confirmation of receipt of the notice to that individual or entity.*

*Amendment*

4. The individual or entity that submitted *the notice shall be given the option to provide an electronic mail address to enable* the provider of hosting services *to* promptly send a confirmation of receipt of the notice to that individual or entity

Or. en

*Justification*

*This is in line with the recommendation in the Annex of the IMCO INL (P9\_TA(2020)0272) Digital Services Act: Improving the functioning of the Single Market which states that "notice providers should have the possibility, but not be required, to include their contact details in a notice; where they decide to do so, their anonymity should be ensured towards the content provider".*

#### **Amendment 1066**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Where individuals decide to include their contact details in a notice, their anonymity towards the recipient of*



*the service who provided the content shall be ensured, except in cases of alleged violations of personality rights or of intellectual property rights.*

Or. en

*Justification*

*This follows recommendations by victims organisations and is in line with the recommendation in the Annex of the IMCO INL (P9\_TA(2020)0272) Digital Services Act: Improving the functioning of the Single Market which states that "notice providers should have the possibility, but not be required, to include their contact details in a notice; where they decide to do so, their anonymity should be ensured towards the content provider".*

**Amendment 1067**

**Maria da Graça Carvalho**

**Proposal for a regulation**

**Article 14 – paragraph 5**

*Text proposed by the Commission*

5. O prestador deve igualmente notificar esse cidadão ou entidade, sem demora injustificada, da sua decisão relativamente às informações a que se refere a notificação, fornecendo informações sobre as possibilidades de recurso relativas a essa decisão.

*Amendment*

5. O prestador deve igualmente notificar esse cidadão ou entidade, sem demora injustificada, da sua decisão relativamente às informações a que se refere a notificação, fornecendo informações *claras e conclusivas* sobre as possibilidades de recurso relativas a essa decisão.

Or. pt

**Amendment 1068**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 5**

*Text proposed by the Commission*

5. The provider shall *also*, without undue delay, notify that individual or entity

*Amendment*

5. The provider shall, without undue delay, notify that individual or entity of its

of its **decision** in respect of the information to which the notice relates, providing information on the redress possibilities **in respect of that decision**.

**action** in respect of the information to which the notice relates, providing information on the redress possibilities.

Or. en

#### **Amendment 1069**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 14 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The provider of intermediary services shall also notify the recipient of the service who provided the information, where contact details are available, giving them the opportunity to reply before taking a decision, unless this would obstruct the prevention and prosecution of serious criminal offences.**

Or. en

#### *Justification*

*From IMCO INL (P9\_TA(2020)0272) Digital Services Act: Improving the functioning of the Single Market, paragraph 53: “urges the Commission to ensure access to transparent, effective, fair, and expeditious counter-notice and complaint mechanisms” and the N&A section: “— provide information and remedies to contest the decision via a counter-notice”. According to Strasbourg jurisprudence, any law permitting specific blocking measures shall contain an obligation to proactively notify and inform those who might be directly impacted (ECtHR, Kharitonov v Russia, Application no.10795/14, para 44; ECtHR, Bulgakov v Russia, Application no. 20159/15, para 35; ECtHR, OOO Flavus and Others v. Russia, Application no. 12468/15, para 40; ECtHR, Engels v. Russia, Application no. 61919/16, para 31.).*

#### **Amendment 1070**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***Where the provider has no technical, operational or contractual ability to act against specific items of illegal content, it may hand over a notice to the provider that has direct control of specific items of illegal content, while informing the notifying person or entity and the relevant Digital Services Coordinator.***

Or. en

**Amendment 1071**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner, ***in any case no longer than 72 hours.*** Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***This shall include meaningful information about the procedure followed, the technology used and the criteria and reasoning supporting the decision, as well***

*as the logic involved in the automated decision-making.*

Or. en

### **Amendment 1072**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 6**

##### *Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

##### *Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. ***When a decision has been taken to remove or disable information, the providers of hosting services shall take all necessary measures to prevent the same or equivalent illegal material from reappearing on their service.*** Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

### **Amendment 1073**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 6**

##### *Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, ***and take their decisions in respect of the information to which the notices relate, in***

##### *Amendment*

6. Providers of hosting services, ***including online platforms, and of private messaging services, without prejudice to Article 5(1), point (b),*** shall process any notices that they receive under the

*a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.*

*mechanisms referred to in paragraph 1, of this Article, and remove or disable access to the illegal content without undue delay and within seven days of the receipt of the notification at the latest. Resulting from a valid notice and action procedure, providers of hosting services shall prevent future uploads of already notified illegal content putting in place effective, reasonable and proportionate measures.*

Or. en

#### **Amendment 1074**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation Article 14 – paragraph 6**

##### *Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

##### *Amendment*

6. Providers of hosting *services, of live streaming platform services and of private messaging* services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, *or in respect of the recipient of the service who provided this information*, in a timely, diligent *non-discriminatory* and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

#### **Amendment 1075**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent, **non-discriminatory** and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

**Amendment 1076**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent **and** objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent, objective **and non-discriminatory** manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

**Amendment 1077**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and **take their decisions in respect of the information to which the notices relate**, in a timely, diligent **and objective** manner. Where they use automated means for that **processing** or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and **act** in a timely, diligent, **non-discriminatory and non-arbitrary** manner. Where they use automated means for that **pre-processing notices** or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

*Justification*

*Providers of hosting services are private companies and should therefore not have the decision about what is legal or illegal in any given Member State or in the Union. This decision should reside with the competent authority referred to in Article 8. Moreover, IMCO INL (P9\_TA(2020)0272) states that N&A mechanism should be "human centric", AI could help in pre-selecting but a human should be involved.*

**Amendment 1078**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Maria Grapini, Petra Kammerevert, Biljana Borzan, Brando Benifei, Monika Beňová**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Where an online platform that allows consumers to conclude distance contracts with traders, detects and identifies illegal goods or services, it shall be obliged to establish an internal database of those goods and services that had previously been taken down by the online platform because they had been found to be illegal or harmful. They shall, under the inclusion of elements listed in the Rapid Exchange of Information System (RAPEX) and other relevant**

*public databases, scan their database on a daily basis to detect illegal goods and services. If this process detects a good or service that has previously been found to be illegal or harmful, the online platform shall be obliged to delete the content expeditiously.*

Or. en

**Amendment 1079**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *Where the explanation of the reasons as referred to in paragraph 2 (a) does not allow a diligent economic operator to identify the illegality of the content in question; where the notified content is not illegal in the country of establishment of the hosting service; or, where there is a genuine demonstrable doubt about the illegality of the content, the hosting services may seek assistance for further clarification with the relevant authority or the national Digital Services Coordinator;*

Or. en

**Amendment 1080**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**



*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting services, of live streaming platform services and of private messaging services shall demonstrate their best efforts to prevent from reappearing content which is identical to another piece of content that has already been identified and removed by them as illegal. The application of this requirement shall not lead to any general monitoring obligation.**

Or. en

#### **Amendment 1081**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting services could, as a voluntary measure in line with provisions Article 6, conduct own-investigation measures to prevent illegal content which has previously been identified as illegal from being disseminated again once removed. The obligations related to paragraph 1 to 6 shall by no means impose general monitoring obligations on hosting services.**

Or. en

#### *Justification*

*To clarify that obligations related to notice and action should not be interpreted as general monitoring obligations or obligations to introduce a stay-down mechanism.*

**Amendment 1082**  
**Christian Doleschal**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Hosting service providers shall immediately remove or disable access to illegal content reported through the procedure as outlined in paragraph 1:**

- a) manifestly illegal content at the latest within 24 hours of being notified;**
- b) in other cases, at the latest within seven days of receipt of the report.**

Or. en

**Amendment 1083**  
**Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting service shall, without undue delay and within seven days of the receipt of the notification at the latest, inform consumers who have purchased illegal products between the moment they have been uploaded on the provider's website and the moment the listing has been taken down by the platform following a valid notice.**

Or. en

**Amendment 1084**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *If the recipient of services notices the hosting services their disagreement with the automated means of decision-making, hosting services must ensure human review of the decision-making process before any action taken*

Or. en

**Amendment 1085**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *Upon receipt of a valid notice, providers of hosting services shall act expeditiously to disable access to content which is manifestly illegal.*

Or. en

**Amendment 1086**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b.** *Information that has been the subject of a notice and that is not manifestly illegal shall remain accessible while the assessment of its legality is still pending. Member States shall ensure that providers of intermediary services are not held liable for failure to remove notified information, while the assessment of*

*legality is still pending.*

Or. en

*Justification*

*In line with the recommendation of the INL P9\_TA(2020)0272 "Digital Services Act: Improving the functioning of the Single Market" which states in V.1 that "notices will not automatically trigger legal liability nor should they impose any removal requirement, for specific pieces of the content or for the legality assessment".*

**Amendment 1087**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***6b. Paragraphs 2, 4 and 5 shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendations 2003/361/EU, or to those enterprises within twelve months of them losing such status pursuant to Article 4(2) thereof.***

Or. en

**Amendment 1088**

**Christian Doleschal**

**Proposal for a regulation**

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***6b. Paragraph 6a shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendations***

*2003/361/EU, or to those enterprises within twelve months of them losing such status pursuant to Article 4 (2) thereof.*

Or. en

**Amendment 1089**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 14 – paragraph 6 c (new)**

*Text proposed by the Commission*

*Amendment*

**6c. Paragraph 2 and 4-5 shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.**

Or. en

**Amendment 1090**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 6 c (new)**

*Text proposed by the Commission*

*Amendment*

**6c. A decision taken pursuant to a notice submitted in accordance with Article 14(1) shall protect the rights and legitimate interests of all affected parties, in particular their fundamental rights as**

*enshrined in the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue.*

Or. en

**Amendment 1091**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 6 d (new)**

*Text proposed by the Commission*

*Amendment*

**6d.** *The provider of hosting services shall ensure that processing of notices is undertaken by qualified individuals to whom adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are to be provided, including, where relevant professional support, qualified psychological assistance and legal advice.*

Or. en

**Amendment 1092**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of

1. Where a provider of hosting services decides to remove or **to** disable access to, **or to demote or otherwise impose sanctions against** specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or

the reason for its decision, it shall inform the recipient, **at the latest at the time of the removal or disabling of access, of the decision** and provide a clear and specific statement of reasons for that decision.

disabling access to that information and of the reason for its decision, it shall **promptly** inform the recipient of the **action**, provide a clear and specific statement of reasons for that **action**, **and include information on the possibility to issue a counter-notice, to make use of the internal complaint-handling system set out in Article 17 and to appeal a decision with the competent authority. This obligation shall not apply and statements of reasons may be withheld where:**

**(a) it is necessary for the investigation, or prosecution, of violations of law or public policy, including for ongoing criminal investigations, to justify avoiding or postponing notice to the recipient; or**

**(b) the content removed were components of high-volume, commercial campaigns to deceive users or manipulate content moderation efforts.**

Or. en

### **Amendment 1093**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### **Proposal for a regulation Article 15 – paragraph 1**

#### *Text proposed by the Commission*

1. Where a provider of hosting services decides to remove **or** disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying **or** removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific

#### *Amendment*

1. Where a provider of hosting services decides to remove, disable access to **or otherwise restrict the visibility of** specific items of information provided by the recipients of the service **or to suspend or terminate monetary payments related to those items**, irrespective of the means used for detecting, identifying, removing or disabling access to **or reducing the visibility of** that information and of the reason for its decision, it shall inform the

statement of reasons for that decision.

recipient *on a durable medium*, at the latest at the time of the removal or disabling of access *or the restriction of visibility or the suspension or termination of monetization*, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

### *Justification*

*Negative treatments of content go beyond the removal or disabling of access, but also include restrictions on visibility and monetisation of content.*

### **Amendment 1094**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

### **Proposal for a regulation Article 15 – paragraph 1**

#### *Text proposed by the Commission*

1. Where a provider of hosting services decides to remove *or* disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying *or* removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

#### *Amendment*

1. Where a provider of hosting services decides to remove , disable access to *or otherwise restrict the visibility of* specific items of information provided by the recipients of the service *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying, removing or disabling access to *or reducing the visibility of* that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access *or the restriction of visibility or the suspension or termination of monetization*, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en



## Amendment 1095

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux

### Proposal for a regulation

#### Article 15 – paragraph 1

##### *Text proposed by the Commission*

1. Where a provider of hosting services decides to remove *or* disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing *or* disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

##### *Amendment*

1. Where a provider of hosting services decides to remove, disable access to *or otherwise restrict the visibility of* specific items of information provided by the recipients of the service, *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying or removing, disabling access to *or reducing the visibility of* that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access *or the restriction of visibility or the suspension or termination of monetization*, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

## Amendment 1096

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### Proposal for a regulation

#### Article 15 – paragraph 1

##### *Text proposed by the Commission*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest *at the time of* the

##### *Amendment*

1. Where a provider of hosting services decides to remove or disable access to *or radically restrict the visibility of* specific items of information provided by the recipients of the service, *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying or removing or disabling access to *or for*

removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

*restricting the visibility or monetisation of* that information and of the reason for its decision, it shall inform the recipient, *without undue delay and* at the latest *within 24 hours after* the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

**Amendment 1097**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Wanneer een aanbieder van hostingdiensten besluit toegang tot specifieke, door de afnemers van de dienst verstrekte informatie te verwijderen of uit te schakelen, ongeacht de middelen die worden gebruikt voor het opsporen, identificeren of verwijderen van of het uitschakelen van toegang tot die informatie en van de reden voor zijn besluit, brengt hij de afnemer, ten laatste op het ogenblik van de verwijdering of uitschakeling van toegang, op de hoogte van het besluit en geeft hij een duidelijke en specifieke motivering voor dat besluit.

*Amendment*

1. Wanneer een aanbieder van hostingdiensten, ***binnen de grenzen van de door deze verordening vastgestelde regels en in het bijzonder door artikel 33 bis,*** besluit toegang tot specifieke, door de afnemers van de dienst verstrekte informatie te verwijderen of uit te schakelen, ongeacht de middelen die worden gebruikt voor het opsporen, identificeren of verwijderen van of het uitschakelen van toegang tot die informatie en van de reden voor zijn besluit, brengt hij de afnemer, ten laatste op het ogenblik van de verwijdering of uitschakeling van toegang, op de hoogte van het besluit en geeft hij een duidelijke en specifieke motivering voor dat besluit.

Or. nl

**Amendment 1098**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

*Amendment*

1. Where a provider of hosting services decides to remove or disable access, ***or otherwise limit the availability, visibility or accessibility*** to specific items of information, provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

**Amendment 1099**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When the removing or disabling access to specific items of information is followed by the transmission of these specific items of information in accordance with Article 15a, the requirement to inform the recipient set out in paragraph 1 may be postponed by a period of six weeks in order to avoid interfere with potential ongoing criminal investigations. The period of six weeks can be renewed only following a motivated decision of the competent authority to which the specific items of information had been transmitted.***

Or. en

## Amendment 1100

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 15 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:

*Amendment*

2. ***When the removing or disabling access to specific items of information is followed by the transmission of those specific items of information in accordance with Article 15a, the provision of information to the recipient in accordance with paragraph 1 shall be postponed for a period of six weeks in order not to interfere with potential ongoing criminal investigations. That period of six weeks may be renewed only after a motivated decision of the competent authority to which the specific items of information had been transmitted.*** The statement of reasons referred to in paragraph 1 shall at least contain the following information:

Or. en

## Amendment 1101

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 15 – paragraph 2 – point a

*Text proposed by the Commission*

(a) whether the ***decision*** entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the ***action*** entails either the removal of, ***demotion or other sanction against***, or the disabling of access to, the information and, where relevant, the territorial scope of the ***action, including, where a decision was taken pursuant to Article 14, an explanation about why the disabling of access did not exceed what was strictly necessary to achieve its***

*objective;*

Or. en

**Amendment 1102**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, *the* information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to ***or radical restriction of the visibility of, the information or the suspension or termination of monetary payments related to that*** information and, where relevant, the territorial scope of the disabling of access;

Or. en

**Amendment 1103**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, ***or*** the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, ***the restriction of the visibility of, or the demonetisation of*** the information and, where relevant, the territorial scope of the disabling of access ***or of the restriction of visibility;***

Or. en

#### **Amendment 1104**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) whether the decision entails either the removal of, **or** the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

##### *Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, ***the restriction of the visibility of, or the demonetisation of,*** the information and, where relevant, the territorial scope of the disabling of access ***or the restriction;***

Or. en

##### *Justification*

*Negative treatments of content go beyond the removal or disabling of access, but also include restrictions on visibility and monetisation of content.*

#### **Amendment 1105**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) whether the decision entails either the removal of, **or** the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

##### *Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, ***the restriction of the visibility of, or the demonetisation of,*** the information and, where relevant, the territorial scope of the disabling of access ***or the restriction;***

Or. en

#### **Amendment 1106**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, the information **and, where relevant**, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to, the information, the territorial scope of the disabling of access **and the duration**;

Or. en

**Amendment 1107**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the facts and circumstances relied on in taking the **decision**, including where relevant whether the **decision** was taken pursuant to a notice submitted in accordance with Article 14;

*Amendment*

(b) the facts and circumstances relied on in taking the **action**, including where relevant whether the **action** was taken pursuant to a notice **of manifestly illegal content** submitted in accordance with Article 14 **or to an order in accordance with Article 8**;

Or. en

**Amendment 1108**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the facts and circumstances relied on in taking the decision, including where

*Amendment*

(b) the facts and circumstances relied on in taking the decision, including where

relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14;

relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14 **and where appropriate, the identity of the notifier;**

Or. en

*Justification*

*There are real cases of abuse of such systems for commercial or other reasons. It is reasonable to allow a recipient to know who is accusing them of posting illegal content.*

**Amendment 1109**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) where applicable, information on the use made of automated means in **taking** the decision, **including where the decision was taken** in respect of content detected or identified using automated means;

*Amendment*

(c) where applicable, information on the use made of automated means in **informing** the decision in respect of content detected or identified using automated means;

Or. en

**Amendment 1110**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 15 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) **where applicable**, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;

*Amendment*

(c) information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;



**Amendment 1111**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

*Amendment*

(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground ***including explanations in relation to the arguments submitted under Article 14, paragraph 2a, where relevant.***

Or. en

*Justification*

*technical amendment to align the text with other amendments.*

**Amendment 1112**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) where the decision concerns ***allegedly*** illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

*Amendment*

(d) where the decision concerns ***manifestly*** illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

Or. en

**Amendment 1113**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) lorsque la décision concerne des contenus *prétendument illicites*, une référence au fondement juridique sous-jacent et des explications des motifs pour lesquels ces informations sont considérées comme des contenus *illicites* sur cette base;

*Amendment*

(d) lorsque la décision concerne des contenus *jugés illégaux*, une référence au fondement juridique sous-jacent et des explications des motifs pour lesquels ces informations sont considérées comme des contenus *illégaux* sur cette base;

Or. fr

**Amendment 1114**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point e**

*Text proposed by the Commission*

*(e) lorsque la décision se fonde sur la prétendue incompatibilité des informations avec les conditions générales du fournisseur, une référence aux clauses contractuelles sous-jacentes et des explications des raisons pour lesquels ces informations sont considérées comme incompatibles avec ces clauses;*

*Amendment*

*supprimé*

Or. fr

**Amendment 1115**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) information on the redress

*Amendment*

(f) information on the redress

possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress, ***which may be sought in the Member State of establishment of the provider of the service and/or in the Member State of establishment of the recipient of the service who provided the content.***

Or. en

#### *Justification*

*technical AM to align the text with other AMs proposed in article 8(2) a.*

#### **Amendment 1116**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – point f**

##### *Text proposed by the Commission*

(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

##### *Amendment*

(f) ***clear, user-friendly*** information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

Or. en

#### **Amendment 1117**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 4**

##### *Text proposed by the Commission*

**4. Les fournisseurs de services**

##### *Amendment*

***supprimé***

*d'hébergement publient les décisions et les exposés des motifs visés au paragraphe 1 dans une base de données accessible au public gérée par la Commission. Ces informations ne contiennent pas de données à caractère personnel.*

Or. fr

**Amendment 1118**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.

*Amendment*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible, **machine-readable** database managed **and published** by the Commission. That information shall not contain personal data.

Or. en

**Amendment 1119**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.

*Amendment*

4. Providers of hosting services shall publish **at least annually** the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal

data.

Or. en

*Justification*

*It is not reasonable to require such publishing to take place after each decision. For larger platforms, these could be thousands of statements a minute.*

**Amendment 1120**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation  
Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall ***publish*** the decisions and the statements of reasons, referred to in paragraph 1 ***in a publicly accessible database managed by the Commission***. That information shall not contain personal data.

*Amendment*

4. Providers of hosting services shall ***upon request share*** the decisions and the statements of reasons, referred to in paragraph 1 ***with the Digital Service Coordinator of establishment***. That information shall not contain personal data.

Or. en

**Amendment 1121**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation  
Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Paragraph 1 shall not apply where:***  
***- a provider of hosting service does not have the information necessary to inform the recipient by a durable medium;***  
***- a provider of hosting service has already informed the recipient of the removal or disabling of the same or similar items of***

*information from the same recipient;*  
*- content is manifestly illegal;*  
*- content is deceptive, high-volume commercial content; or*  
*- requested by a judicial or law enforcement authority to not inform the recipient due to an ongoing criminal investigations until the criminal investigations is closed.*

Or. en

#### *Justification*

*In a number of cases, proving for a statement would be not proportionate and would not serve the purpose of protecting against unjustified removals of recipient content by providers. Such statements would only be a burden and slow the removal of selected content. Moreover, the information provided could have a negative effect on ongoing criminal investigations*

#### **Amendment 1122**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Barbara Thaler**

#### **Proposal for a regulation**

**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Paragraph 2 to 4 shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC, or during the first twelve months from when an enterprise lost such status as pursuant to Article 4(2) thereof.**

Or. en

#### **Amendment 1123**

**Geert Bourgeois**

#### **Proposal for a regulation**

**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 bis. Micro- of kleine ondernemingen in de zin van Aanbeveling 2003/361/EG van de Commissie zijn uitgesloten van het toepassingsgebied van deze bepaling.**

Or. nl

**Amendment 1124**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 15 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Paragraph 2 to 4 shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.**

Or. en

**Amendment 1125**

**Róża Thun und Hohenstein, Krzysztof Hetman**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Online interface design and oversight***

***1. Providers of hosting services shall not subvert or impair the autonomy, decision-making, or choice of the recipients of the service through the structure, function or manner of operation of their online interface or a part thereof.***

***In particular, providers of hosting services shall refrain from:***

- a) giving more visual prominence to any of the options when asking the recipient of the service for a decision that might have detrimental effects for the recipient;***
- b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope or purpose of such processing, especially by presenting a pop-up that interferes with user experience;***
- c) urging a recipient of the service to change any setting or configuration of the service after the person in question has already made her choice, including by the use of a standard protocol in accordance with paragraph 4;***
- d) making the procedure of cancelling a service more cumbersome than signing up to it;***
- e) requiring a recipient of the service to consent to the collection or processing of personal data concerning the recipient that is not strictly technically necessary for the functioning of the service.***

***2. A choice or decision made by the recipient of the service using an online interface that does not comply with the requirements of paragraph 1 shall not constitute consent in the sense of Regulation (EU) 2016/679.***

***3. Providers of hosting services shall design and organise their online interfaces in a way that enables them and traders to comply with their obligations***



*under applicable Union and Member State law on data protection and consumer protection, including on product safety.*

*4. Providers of hosting services shall respect the communication of choices made by the recipients of the service, including consent or withdrawal of consent to the processing of personal data, through automated means, in particular through the settings of software placed on the market permitting electronic communications, including the retrieval and presentation of information on the internet.*

*The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions for automated means referred to above.*

*5. The Commission shall adopt a delegated act in accordance with Article 69, after consulting the Board to indicate specific design patterns that qualify as subverting or impairing the autonomy, decision making, or choice of the recipients of the service. The Commission shall keep this list updated in the light of technological developments and, in the case of very large online platforms, assessments related to systemic risks identified in accordance with Article 27(2).*

*6. The Commission may adopt implementing acts to prescribe the design and functions of online interfaces that facilitate expression of consent in accordance to Regulation (EU) 2016/679 or other choices that may be expressed by the recipients of the service. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to this paragraph, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which*

*shall not be less than one month.*

Or. en

**Amendment 1126**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Preservation of content and related data,  
and mandatory transmission of specific  
items of information***

***1. Providers of hosting services shall store the illegal content which has been removed or access to which has been disabled as a result of content moderation, or of an order to act against a specific item of illegal content as referred to in Article 8, as well as any related data removed as a consequence of the removal of such illegal content, which are necessary for:***

***(a) administrative or judicial review or out-of-court dispute settlement against a decision to remove or disable access to illegal content and related data; or***

***(b) the prevention, detection, investigation and prosecution of criminal offences.***

***2. Providers of hosting services shall store the illegal content and related data pursuant to in paragraph 1 for six months from the date of removal or disabling access to it. The illegal content shall, upon request from the competent authority or court, be stored for a further specified period only if and for as long as necessary for ongoing administrative or judicial review as referred to in paragraph 1, point (a).***

**3. Providers of hosting services shall ensure that the illegal content and related data stored pursuant to paragraph 1 are subject to appropriate technical and organisational safeguards. Those technical and organisational safeguards shall ensure that the illegal content and related data stored are accessed and processed only for the purposes referred to in paragraph 1 and shall ensure a high level of security of personal data concerned. Providers of hosting services shall review and update those safeguards where necessary.**

**4. Providers of hosting services shall transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such a removing or disabling access to is a result of a voluntary content moderation or of a use of the notice and action mechanism referred to in Article 14. They shall transmit that illegal content under the following conditions:**

**(a) illegal content referred to in this paragraph means content which is manifestly illegal and is an offence in accordance with Council Framework Decision 2008/913/JHA<sup>1a</sup> and Directive 2011/36/EU of the European Parliament and of the Council<sup>1b</sup>; and**

**(b) the competent law enforcement authority to receive such illegal content is that of the Member State of the residence or establishment of the person who made the illegal content available, or, failing that, the law enforcement authority is that of the Member State in which the provider of hosting services is established or has its legal representative, or, failing that, the provider of hosting services shall inform Europol;**

**(c) when the provider of hosting services is a very large online platform in accordance with the Section 4 of Chapter III, it shall, when transmitting the illegal**

*content, add a flag indicating that the illegal content involves a threat to the life or safety of persons.*

*5. Each Member State shall notify to the Commission the list of its competent law enforcement authorities for the purposes of paragraph 4.*

Or. en

*Justification*

*For the most odious illegal content, the aim is to go beyond mere removal/blocking, to oblige the law enforcement authorities to be informed and thus enable them to quickly become aware of such content and to initiate investigations. The effectiveness of investigations must be preserved by postponing the information to the user that a content of which he is the author has been removed or blocked and the reasons why it has been removed or blocked. This is to prevent the author from seeking to remove evidence.*

**Amendment 1127**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Preservation of content and related data, and mandatory transmission of specific items of information***

***1. Providers of hosting services shall store the illegal content which has been removed or access to which has been disabled as a result of content moderation, or of an order to act against a specific item of illegal content as referred to in Article 8, as well as any related data removed as a consequence of the removal of such illegal content, which are necessary for administrative or judicial review proceedings, including or out-of-court dispute settlement against a decision to remove or disable access to illegal***

*content and related data.*

**2. The illegal content and related data, as referred to in paragraph 1, shall be stored for six months from the date of removal or disabling. The illegal content shall, upon request from the competent authority or court, be preserved for a further specified period only if and for as long as necessary for ongoing administrative or judicial review proceedings, as referred to in paragraph 1.**

**3. Providers of hosting services shall ensure that the illegal content and related data stored pursuant to paragraph 1 are subject to appropriate technical and organisational safeguards. Those technical and organisational safeguards shall ensure that the illegal content and related data stored are accessed and processed only for the purposes referred to in paragraph 1, and ensure a high level of security of the personal data concerned. Providers of hosting services shall review and update those safeguards where necessary.**

**4. Providers of hosting services shall transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such removing or disabling access is a result of a voluntary content moderation or of a use of the notification and action mechanism referred to in Article 14. This obligation of transmission applies under the following conditions:**

**(a) illegal content referred to in this paragraph means content which is manifestly illegal and is an offense according to Framework Decision 2008/913/JHA and Directive 2011/36/EU; and**

**(b) the competent law enforcement authority to which to transmit such illegal content is that of the Member State of the residence or establishment of the person**

*who made the illegal content available, or, failing that, the law enforcement authority of the Member State in which the provider of hosting services is established or has its legal representative; or, failing that, the provider of hosting services shall inform Europol;*

*(c) when the provider of hosting services is a very large online platform in accordance with Section 4 of Chapter III, it must also, when transmitting the illegal content, add an indicating flag for the illegal content which involve a threat to the life or safety of persons.*

*5. Each Member State shall notify to the Commission the list of its competent law enforcement authorities as referred to in paragraph 4.*

Or. en

**Amendment 1128**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Content moderation*

*1. Providers of hosting services shall not use ex-ante control measures based on automated tools or upload-filtering of content for content moderation. Where providers of hosting services otherwise use automated tools for content moderation, they shall ensure that qualified staff decide on any action to be taken and that legal content which does not infringe the terms and conditions set out by the providers is not affected. The provider shall ensure that adequate initial and ongoing training on the applicable legislation and international human*

*rights standards as well as appropriate working conditions are provided to staff, and that, where necessary, they are given the opportunity to seek professional support, qualified psychological assistance and qualified legal advice. This paragraph shall not apply to moderating information which has most likely been provided by automated tools.*

*2. Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory, diligent, non-arbitrary and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service as enshrined in the Charter.*

Or. en

**Amendment 1129**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera**

**Proposal for a regulation  
Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Notification of suspicions of criminal offences*

*1. Where a provider of hosting services becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*

2. *Where the provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative and Europol. For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.*

Or. en

*Justification*

*Moved from Section 3 so that it will cover all hosting service providers and not just online platforms.*

**Amendment 1130**  
**Karen Melchior, Patrick Breyer, Tiemo Wölken**

**Proposal for a regulation**  
**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Providers of hosting services shall not use ex-ante control measures based on automated tools or upload-filtering of content for content moderation. Where providers of hosting services use automated tools for content moderation, they shall ensure that qualified staff decide on any action to be taken and that legal content which does not infringe the terms and conditions set out by the providers is not affected. The provider shall ensure that adequate initial and on going training on the applicable legislation and international human rights standards as well as appropriate*



*working conditions are provided to staff.  
This paragraph shall not apply to  
moderating information which has most  
likely been provided by automated tools.*

Or. en

**Amendment 1131**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Alternative mechanisms based on an  
adequacy decision***

***1. Where a platform has an existing alternative notice and action mechanisms as set down by the law of a third country or in accordance with other Union law, upon a request by a provider, the Commission may issue a decision that declare these mechanisms as ensuring an adequate level of protection and fulfilling the requirements in Article 14 and Article 15. Before issues any such decision, the Commission shall consult the Board and the general public at least one month before the decision is adopted.***

Or. en

*Justification*

*Many platforms already have similar systems in place due to existing legislation outside the Union. Where the same standards and levels of protections for recipients can be achieved by these alternative mechanisms, they should be deemed equal based on a adequacy decision.*

**Amendment 1132**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana**

**Borzan, Paul Tang, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Online interface design and organisation***

***1. Providers of hosting services shall not distort or impair consumers' ability to make an informed decision via the structure, function or manner of operation of their online interface or a part thereof.***

***2. Providers of hosting services shall design and organise their online interface in a way that enables themselves and traders to comply with their obligations under applicable Union and Member State law on consumer protection, including on product safety.***

Or. en

*Justification*

*The aim of the article is to clarify the obligations concerning online interface design and to make sure that hosting service providers do not design their online interfaces and/or parts thereof in a way to engage in so-called 'dark patterns'.*

**Amendment 1133**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Article 15 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15b**

***Notification of suspicions of serious criminal offences***

***1. Where a provider of hosting services becomes aware of any***

*information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*

*2. Where provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or shall inform Europol. For the purpose of this Article, the Member State concerned shall be the Member State where the serious criminal offence is suspected to have taken place, to be taking place or to likely take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected serious criminal offence resides or is located. For the purpose of this Article, each Member State shall notify to the Commission the list of its competent law enforcement or judicial authorities.*

Or. en

#### **Amendment 1134**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

#### **Proposal for a regulation Article 15 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 15b*

*Notification of suspicions of criminal offences*

*1. Where provider of hosting service*

*becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall remove or disable the content and promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*

*2. Where the provider of hosting service cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.*

*3. For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.*

*4. For the purpose of this Article, Member States shall notify to the Commission the list of its competent law enforcement or judicial authorities.*

Or. en

#### *Justification*

*The text of Article 21 with few modifications is reintroduced here as Article 15b*

#### **Amendment 1135**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 16**

*Text proposed by the Commission*

*Amendment*

**Article 16**

**deleted**

**Exclusion for micro and small enterprises**

***This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.***

Or. en

*Justification*

*Exemption is moved to -10 (new) above.*

**Amendment 1136**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 16 – title**

*Text proposed by the Commission*

*Amendment*

Exclusion for micro ***and small*** enterprises

Exclusion for micro enterprises

Or. en

**Amendment 1137**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Section shall not apply to online platforms that qualify as micro ***or*** small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

This Section shall not apply to online platforms that qualify as micro, small ***or medium sized*** enterprises within the meaning of the Annex to Recommendation 2003/361/EC, ***nor during the first twelve months to such enterprises following the loss of such status pursuant to Article 4(2)***

*thereof.*

*This section shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.*

Or. en

#### **Amendment 1138**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro *or* small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

##### *Amendment*

This Section shall not apply to online platforms that qualify as micro, small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. *Following an additional, individual risk assessment, the Digital Services Coordinator of establishment may extend the exemption to selected medium-sized enterprises.*

Or. en

#### **Amendment 1139**

**Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that *qualify as micro or small enterprises within the meaning* of the *Annex to Recommendation 2003/361/EC*.

*Amendment*

This Section shall not apply to online platforms that *provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 9 million, calculated in accordance with the methodology set out in the delegated acts referred to in Article 25 paragraph 3*.

Or. en

**Amendment 1140**

**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

**Proposal for a regulation  
Article 16 – paragraph 1**

*Text proposed by the Commission*

La présente section ne s'applique pas aux plateformes en ligne qui peuvent être qualifiées de microentreprises ou de petites entreprises au sens de l'annexe de la recommandation 2003/361/CE.

*Amendment*

La présente section ne s'applique pas aux plateformes en ligne qui peuvent être qualifiées de microentreprises ou de petites entreprises au sens de l'annexe de la recommandation 2003/361/CE, *à l'exception de celles détenues ou contrôlées par des entités hors de l'Union*.

Or. fr

**Amendment 1141**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC

*and which are not very large online platforms in accordance with Article 25.*

Or. en

*Justification*

*It may occur that an mirco or small enterprise is also a VLOP. In these occasions, it is reasonable to apply all rules.*

**Amendment 1142**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro *or small* enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

**Amendment 1143**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the **following** decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its

*Amendment*

1. Online platforms shall provide recipients of the service, **as well as individuals or entities that have submitted a notice** for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the **decision taken by the online platform not to act after having received a notice,**



terms and conditions:

**and against the** decisions taken by the online platform on the ground that the information provided by the recipients is illegal content **under Union or national law**, or incompatible with its terms and conditions:

Or. en

## Amendment 1144

Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde

### Proposal for a regulation

#### Article 17 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

##### *Amendment*

1. Online platforms shall provide recipients of the service, **and individuals or entities that have submitted a notice**, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the **decision taken by the provider of the online platform not to act upon the receipt of a notice or against the** following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

##### *Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

## Amendment 1145

Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel

### Proposal for a regulation

#### Article 17 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

##### *Amendment*

1. Online platforms shall provide recipients of the service, ***and individuals or entities that have submitted a notice*** for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the ***decision taken by the provider of the online platform not to act upon the receipt of a notice or against the*** following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

## Amendment 1146

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 17 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is

##### *Amendment*

1. Online platforms shall provide recipients of the service, ***as well as individuals or entities that have submitted a notice***, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the ***decision taken by the online platform***

illegal content or incompatible with its terms and conditions:

*not to act after having received a notice, and against the* following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

#### **Amendment 1147**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Les plateformes en ligne fournissent aux bénéficiaires du service, pour une période d'au moins six mois à compter de la décision visée dans le présent paragraphe, l'accès à un système interne de traitement des réclamations efficace, permettant d'introduire, par voie électronique et gratuitement, des réclamations contre les décisions suivantes adoptées par la plateforme en ligne au motif que les informations fournies par les bénéficiaires constituent un contenu *illicite ou sont incompatibles avec ses conditions générales*:

##### *Amendment*

1. Les plateformes en ligne fournissent aux bénéficiaires du service, pour une période d'au moins six mois à compter de la décision visée dans le présent paragraphe, l'accès à un système interne de traitement des réclamations efficace, permettant d'introduire, par voie électronique et gratuitement, des réclamations contre les décisions suivantes adoptées par la plateforme en ligne au motif que les informations fournies par les bénéficiaires constituent un contenu *illégal*:

Or. fr

#### **Amendment 1148**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Online platforms shall provide

##### *Amendment*

1. Online platforms shall provide

recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective **and user-friendly** internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

#### **Amendment 1149**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least **six** months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

##### *Amendment*

1. Online platforms shall provide recipients of the service, for a period of at least **three** months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

##### *Justification*

*To store all data removed for six months would be a burden and a cost on providers. At the same time, three months seems a reasonable amount of time for a user to fill a complaint.*

#### **Amendment 1150**

**Martin Schirdewan, Anne-Sophie Pelletier**

## Proposal for a regulation

### Article 17 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least **six months** following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

#### *Amendment*

1. Online platforms shall provide recipients of the service, for a period of at least **one year** following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

## Amendment 1151

Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde

## Proposal for a regulation

### Article 17 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) decisions to remove or disable access to the information;

#### *Amendment*

(a) decisions **whether or not** to remove or disable access to **or restrict visibility of** the information;

Or. en

#### *Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

### Amendment 1152

Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel

#### Proposal for a regulation

##### Article 17 – paragraph 1 – point a

*Text proposed by the Commission*

(a) decisions to remove or disable access to the information;

*Amendment*

(a) decisions ***whether or not*** to remove or disable access to ***or restrict visibility of*** the information;

Or. en

### Amendment 1153

Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak on behalf of the Greens/EFA Group

#### Proposal for a regulation

##### Article 17 – paragraph 1 – point a

*Text proposed by the Commission*

(a) decisions to remove ***or*** disable access to the information;

*Amendment*

(a) decisions to remove, ***demote,*** disable access to ***or impose other sanctions against*** the information;

Or. en

### Amendment 1154

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

#### Proposal for a regulation

##### Article 17 – paragraph 1 – point a

*Text proposed by the Commission*

(a) decisions to remove ***or*** disable access to the information;

*Amendment*

(a) decisions to remove , disable access to ***or restrict the visibility of*** the information;

*Justification*

*For some pieces of content the solely reason to upload to a selected platform is to seek visibility. Therefore the removal of visibility could be seen as equal to removal*

**Amendment 1155**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions to remove *or* disable access to the information;

*Amendment*

(a) decisions to remove , disable access to *or restrict the visibility of* the information;

Or. en

**Amendment 1156**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions to remove *or* disable access to the information;

*Amendment*

(a) decisions to remove, disable access to *or restrict the visibility of* the information;

Or. en

**Amendment 1157**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions to remove or disable access to the information;

*Amendment*

(a) decisions **to remove or not** to remove or disable access to the information;

Or. en

**Amendment 1158**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

*Amendment*

(b) decisions **to suspend or terminate or not** to suspend or terminate the provision of the service, in whole or in part, to the recipients;

Or. en

**Amendment 1159**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

*Amendment*

(b) decisions **whether or not** to suspend or terminate the provision of the service, in whole or in part, to the recipients;

Or. en



## **Amendment 1160**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

*Amendment*

(b) decisions ***whether or not*** to suspend or terminate the provision of the service, in whole or in part, to the recipients;

Or. en

#### *Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

## **Amendment 1161**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) decisions to suspend or terminate the recipients' account.

*Amendment*

(c) decisions ***to suspend or terminate or not*** to suspend or terminate the recipients' account.

Or. en

## **Amendment 1162**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) decisions to suspend or terminate the recipients' account.

(c) decisions ***whether or not*** to suspend or terminate the recipients' account.

Or. en

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1163**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) decisions to suspend or terminate the recipients' account.

(c) decisions ***whether or not*** to suspend or terminate the recipients' account.

Or. en

**Amendment 1164**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) any other decisions that affect the availability, visibility or accessibility of that content or the account of the***

*recipient's access to significant features of the platform's regular services.*

Or. en

**Amendment 1165**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) decisions whether or not to restrict the ability to monetise content provided by the recipients;*

Or. en

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1166**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) decisions to radically restrict the visibility of content provided by the recipients,*

Or. en

**Amendment 1167**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) decisions to restrict the ability to monetise content provided by the recipients;**

Or. en

**Amendment 1168**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) decisions to restrict the ability to monetise content provided by the recipients.**

Or. en

**Amendment 1169**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) decisions to restrict the ability to monetize content provided by the recipients.**

*Justification*

*For some pieces of content the solely reason to upload to a selected platform is to seek remuneration. Therefore the removal of remuneration could be seen as equal to removal*

**Amendment 1170**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) decisions of online marketplaces to suspend the provisions of their services to traders;*

Or. en

**Amendment 1171**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) decisions to restrict the ability to monetise content provided by the recipients,*

Or. en

**Amendment 1172**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) decisions whether or not to apply labels or additional information on content.**

Or. en

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1173**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. When the decision to remove or disable access to the information is followed by the transmission of this information in accordance with Article 15a, the period of at least six months as set out in paragraph 1 shall be considered to start from the day on which the recipient was informed in accordance with Article 15(2).**

Or. en

**Amendment 1174**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 bis. Les services internes de traitement des réclamations concernant des bénéficiaires établis dans l'Union européenne sont établis dans l'Union européenne.***

Or. fr

**Amendment 1175**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, ***including for persons with disabilities***, user-friendly, ***non-discriminatory*** and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. ***Online platforms shall set out the rules of procedure of their internal complaint handling system in their terms and conditions in a clear, user-friendly and easily accessible manner, including for persons with disabilities.***

Or. en

**Amendment 1176**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

*Amendment*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. ***The complainant shall be able to enter free written explanations in addition to the pre-established complaint options.***

Or. en

**Amendment 1177**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Onlineplatforms zorgen ervoor dat hun intern klachtenafhandelingsysteem gemakkelijk toegankelijk en gebruikersvriendelijk is en de indiening van voldoende nauwkeurige en gepast gemotiveerde klachten mogelijk maakt en vergemakkelijkt.

*Amendment*

2. Onlineplatforms zorgen ervoor dat hun intern klachtenafhandelingsysteem gemakkelijk toegankelijk en gebruikersvriendelijk is en de indiening van voldoende nauwkeurige en gepast gemotiveerde klachten mogelijk maakt en vergemakkelijkt. ***De klachtenafhandeling gebeurt in een door de afnemer van de dienst gekozen taal.***

Or. nl

**Amendment 1178**  
**David Lega, Hilde Vautmans, Brando Benifei, Antonio López-Istúriz White, Milan Brglez, Dragoş Pişlaru, Alex Agius Saliba, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation**  
**Article 17 – paragraph 2**



*Text proposed by the Commission*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

*Amendment*

2. Online platforms shall ensure that their internal complaint-handling **and redress** systems are easy to access **and** user-friendly, **including for children**, and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

Or. en

**Amendment 1179**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 17 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When the decision to remove or disable access to the information is followed by the transmission of this information in accordance with Article 15a, the period of at least six months referred to in paragraph 1 of this Article begins on the day on which the information was given to the recipient in accordance with Article 15.***

Or. en

**Amendment 1180**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely,

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely,

diligent **and objective** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

diligent, **non-discriminatory and non-arbitrary** manner **and within seven days starting on the date on which the online platform received the complaint**. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1, without undue delay.

Or. en

#### *Justification*

*Non-arbitrary is defined in case law, whereas it is unclear what "objective" means for a private businesses.*

#### **Amendment 1181**

**Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

##### *Text proposed by the Commission*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

##### *Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner **and without undue delay and at the latest within seven days of the notification**. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue

delay.

Or. en

### **Amendment 1182**

**Tomislav Sokol, Ivan Štefanec**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

##### *Text proposed by the Commission*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent ***and objective*** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

##### *Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely ***and*** diligent manner, ***objectively and in accordance with the rules of the profession***. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

### **Amendment 1183**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

##### *Text proposed by the Commission*

3. Online platforms shall handle complaints submitted through their internal complaint-handling ***system in a timely, diligent and objective manner***. Where a complaint contains sufficient grounds for the online platform to consider that the

##### *Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling ***diligently, objectively and without undue delay, but no later than 10 days after submission..*** Where a complaint contains sufficient grounds for

information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

**Amendment 1184**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. Les plateformes en ligne traitent les réclamations soumises par l'intermédiaire de leurs systèmes internes de traitement des réclamations en temps opportun, de manière diligente et objective. Lorsque les motifs invoqués dans une réclamation sont suffisants pour que la plateforme en ligne considère que les informations auxquelles la réclamation se rapporte ne sont pas ***illicites et ne sont pas incompatibles avec ses conditions générales***, ou que la réclamation contient des informations indiquant que la conduite du plaignant ne justifie pas la suspension ou la résiliation du service ou du compte, la plateforme infirme sa décision visée au paragraphe 1 dans les meilleurs délais.

*Amendment*

3. Les plateformes en ligne traitent les réclamations soumises par l'intermédiaire de leurs systèmes internes de traitement des réclamations en temps opportun, de manière diligente et objective. Lorsque les motifs invoqués dans une réclamation sont suffisants pour que la plateforme en ligne considère que les informations auxquelles la réclamation se rapporte ne sont pas ***illégal***, ou que la réclamation contient des informations indiquant que la conduite du plaignant ne justifie pas la suspension ou la résiliation du service ou du compte, la plateforme infirme sa décision visée au paragraphe 1 dans les meilleurs délais.

Or. fr

**Amendment 1185**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, **diligent and** objective manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

*Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, objective **and transparent** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

**Amendment 1186**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**  
**Article 17 – paragraph 4**

*Text proposed by the Commission*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

*Amendment*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities. ***The decision mentioned in this paragraph shall also include:***  
***- information on whether the decision referred to in paragraph 1 was taken as a result of human review or through automated means;***

*- in case the decision referred to in paragraph 1 is upheld, a detailed explanation on how the information to which the complaint relates to is in breach of the platform's terms and conditions or why the online platform considers the information to be unlawful.*

Or. en

**Amendment 1187**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 17 – paragraph 4**

*Text proposed by the Commission*

4. Online platforms shall inform complainants ***without undue delay*** of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

*Amendment*

4. Online platforms shall ***promptly*** inform complainants of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

Or. en

**Amendment 1188**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Article 17 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In cases where a complaint of a business user does not result in a decision of the online platform within two weeks, the business user is entitled to present the case to an out of court settlement body in***

*accordance with Article 18.*

Or. en

**Amendment 1189**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 17 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Online platforms shall ensure that the decisions, referred to in paragraph 4 are taken by lawyers with at least five years of professional experience.**

Or. en

**Amendment 1190**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means **and are reviewed by qualified staff to whom adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are to be provided, including, where relevant, professional support, qualified psychological assistance and legal advice..**

Or. en

## Amendment 1191

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation Article 17 – paragraph 5

#### *Text proposed by the Commission*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

#### *Amendment*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means ***and are reviewed by qualified staff to whom adequate initial and ongoing training on the applicable legislation and international human rights standards and to whom appropriate working conditions are provided, including, where relevant, professional support, qualified psychological assistance and legal advice.***

Or. en

## Amendment 1192

Adam Bielan, Kosma Złotowski, Beata Mazurek

### Proposal for a regulation Article 17 – paragraph 5

#### *Text proposed by the Commission*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

#### *Amendment*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means. ***Complainants shall have the right to request human review and consultation with relevant online platforms' staff with respect to content to which the complaint relates to.***

Or. en

## Amendment 1193

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe



Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

*Amendment*

5. Online platforms shall ensure ***that recipients of the service are given the possibility, where necessary, to contact a human interlocutor at the time of the submission of the complaint and*** that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

Or. en

**Amendment 1194**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

5. Online platforms shall ensure that ***the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.***

*Amendment*

5. ***The decisions referred to in paragraph 4 may exceptionally be taken by automated means in which case, the*** Online platforms shall ensure that ***such decisions are supervised by lawyers with at least five years of professional experience.***

Or. en

**Amendment 1195**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

5. Online platforms shall ensure that **the** decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

*Amendment*

5. Online platforms shall ensure that decisions **that would negatively affect them and that are** referred to in paragraph 4, are not solely taken on the basis of automated means.

Or. en

*Justification*

*Human decisions are only needed where the result would be negative for the recipient. Automated problem solving when positive for the recipient might be faster and easier to solve a situation.*

**Amendment 1196**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

5. Les plateformes en ligne veillent à ce que les décisions visées au paragraphe 4 ne soient pas **uniquement** prises par des moyens automatisés.

*Amendment*

5. Les plateformes en ligne veillent à ce que les décisions visées au paragraphe 4 ne soient pas prises par des moyens automatisés.

Or. fr

**Amendment 1197**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**  
**Article 17 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Recipients of the service negatively affected by the decision of an online platform shall have the possibility to seek swift judicial redress in accordance with the laws of the Member States concerned.**

*The procedure shall ensure that an independent judicial authority decides on the matter without undue delay, reaching a decision within 14 working days while granting the negatively affected party the right to seek interim measures to be imposed within 48 hours from when their redress is brought before this judicial authority. The rights to seek judicial redress and to obtain interim measures shall not be limited or subjected to the condition of exhausting the internal complaint-handling system.*

Or. en

**Amendment 1198**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 18**

*Text proposed by the Commission*

*Amendment*

*[...]*

*supprimé*

Or. fr

**Amendment 1199**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Recipients of the service ***addressed by the decisions referred to in Article 17(1)***, shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to ***those*** decisions, including complaints that could not be resolved by means of the internal

Recipients of the service ***and organisations mandated under Article 68***, shall be entitled to select any out-of-court dispute ***settlement body*** that has been certified in accordance with paragraph 2 in order to resolve disputes relating to ***the decisions taken by the online platform on the ground that the information provided***

complaint-handling system referred to in *that* Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

***by the recipients is illegal content or incompatible with its terms and conditions***, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 17. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. ***Online platforms shall not be liable for implementing decisions of a dispute settlement procedure.***

***The first subparagraph is without prejudice to the right of the recipient concerned to seek redress against the decision before a court in accordance with the applicable law.***

Or. en

#### Amendment 1200

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

#### Proposal for a regulation

#### Article 18 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall ***engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.***

##### *Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall ***always direct recipients to an out-of-court dispute settlement body. The information about the competent out-of-court body shall be easily accessible on the online interface of the online platform in a clear and an user-friendly manner.***

**Amendment 1201**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

*Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute **settlement body** that has been certified in accordance with paragraph 2 **and established in the Member State of the provider or the Member State of the recipient**, in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

*Justification*

*While it is logical to allow a recipient to select a body in the Member State of the provider or their own Member State, there does not seem to be a reason to allow a recipient to choose a third party Member State for such a dispute settlement. This would only lead to forum shopping.*

**Amendment 1202**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

*Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.  
***Out-of-court dispute settlement shall be carried out within 45 days after submission.***

Or. en

**Amendment 1203**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

*Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1) ***and individuals or entities that have submitted notices***, shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

**Amendment 1204**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

*Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute **settlement body** that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

**Amendment 1205**  
**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Evelyne Gebhardt, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

**The first subparagraph** is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

*Amendment*

**Paragraph 1** is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

**Amendment 1206**  
**Barbara Thaler**

**Proposal for a regulation**  
**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In cases where the recipient of the service addressed by the decision referred to in Article 17 (1) is a business user, the online platform is obliged to submit to the jurisdiction of the independent dispute settlement body. The out of court dispute settlement body will take its decision without undue delay after the presentation of arguments of the parties concerned, in any case within a time span of no more than 45 days after the formal opening of the procedure.***

Or. en

**Amendment 1207**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where a recipient seeks a resolved to multiple complaints, either party may request that the out-of-court dispute settlement body treats and resolves these complaints in a single dispute decision.***

Or. en

*Justification*

*A removal of an account, for example, means the removal of potentially hundreds of individual pieces of content. To address these content individually would be not possible and would potentially block the system*



## Amendment 1208

Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel

### Proposal for a regulation

#### Article 18 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. Online platforms shall engage, in good faith, with the independent, external certified body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.**

Or. en

## Amendment 1209

Alex Agius Saliba

### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body, where the body *has* demonstrated that it meets all of the following conditions:

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body, where the body *and persons in charge of the out-of-court body have* demonstrated that it meets all of the following conditions:

**(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms and, without undue delay disclose to the out-of-court dispute settlement body any circumstances that may, or may be seen to, affect their independence and impartiality or give rise to a conflict of interest with either party to the dispute they are asked to resolve. The obligation to disclose such circumstances shall be a**

*continuing obligation throughout the out-of-court dispute settlement procedure;*

*(aa) it is not subject to any instructions from either party or their representatives;*

*(ab) it is remunerated in a way that is not linked to the outcome of the procedure;*

Or. en

#### **Amendment 1210**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – introductory part**

##### *Text proposed by the Commission*

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body, where the body has demonstrated that it meets all of the following conditions:

##### *Amendment*

2. The Digital Services Coordinator of the Member State where the ***independent*** out-of-court dispute settlement body is established shall, at the request of that body, certify the body ***for a maximum of three years, which can be renewed***, where the body has demonstrated that it meets all of the following conditions:

Or. en

#### **Amendment 1211**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

##### *Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

##### *Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and is legally distinct from and functionally independent of the government of the Member State or any***

*other public or related private body;*

Or. en

#### **Amendment 1212**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and is legally distinct from and functionally independent of the government of the Member State or any other public or private body;***

Or. en

#### **Amendment 1213**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is ***impartial and*** independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is ***independent, including financially independent, and impartial*** of online platforms and recipients of the service provided by the online platforms ***and of individuals or entities that have submitted notices;***

Or. en

**Amendment 1214**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and its members are remunerated in a way that is not linked to the outcome of the procedure;***

Or. en

**Amendment 1215**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms, ***any third party involved in the dispute*** and recipients of the service provided by the online platforms;

Or. en

**Amendment 1216**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) it is composed of legal experts;***

Or. en

**Amendment 1217**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) il dispose de l'expertise nécessaire en ce qui concerne les questions liées à un ou plusieurs types particuliers de contenu *illicite*, ou pour ce qui est de l'application et du contrôle du respect des conditions générales d'un ou de plusieurs types de plateformes en ligne, lui permettant de contribuer efficacement au règlement d'un litige;

*Amendment*

(b) il dispose de l'expertise nécessaire en ce qui concerne les questions liées à un ou plusieurs types particuliers de contenu *illégal*, ou pour ce qui est de l'application et du contrôle du respect des conditions générales d'un ou de plusieurs types de plateformes en ligne, lui permettant de contribuer efficacement au règlement d'un litige;

Or. fr

**Amendment 1218**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the natural persons with responsibility for dispute settlement are granted a period of office of a minimum of three years to ensure the independence of their actions;*

Or. en

**Amendment 1219**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) the natural persons with responsibility for dispute settlement commit not to work for the online platform or a professional organisation or business association of which the online platform is a member for a period of three years after their position in the body has ended;***

Or. en

**Amendment 1220**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

***(bc) natural persons with responsibility for dispute resolution may not have worked for an online platform or a professional organisation or business association of which the online platform is a member for a period of two years before taking up their position in the body;***

Or. en

**Amendment 1221**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the dispute settlement is easily

(c) the dispute settlement is easily

accessible through electronic communication technology;

accessible through electronic communication technology *and provides for the possibility to submit a complaint and the requisite supporting documents online;*

Or. en

#### **Amendment 1222**

**Ivan Štefanec**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point c**

##### *Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

##### *Amendment*

(c) the dispute settlement is easily accessible, *including for persons with disabilities*, through electronic communication technology;

Or. en

#### **Amendment 1223**

**Jordi Cañas, Maite Pagazaurtundúa**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point c**

##### *Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

##### *Amendment*

(c) the dispute settlement is easily accessible, *including for persons with disabilities*, through electronic communication technology;

Or. en

#### **Amendment 1224**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is easily accessible, ***including for persons with disabilities***, through electronic communication technology;

Or. en

**Amendment 1225**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is easily accessible, ***including for persons with disabilities***, through electronic communication technology;

Or. en

**Amendment 1226**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is easily accessible, ***including for people with disabilities***, through electronic communication technology;

Or. en



**Amendment 1227**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is easily accessible ***including for persons with disabilities*** through electronic communication technology;

Or. en

**Amendment 1228**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the anonymity of the individuals involved in the settlement procedure can be guaranteed;***

Or. en

**Amendment 1229**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in ***at least*** one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient, ***accessible for persons with disabilities***, and cost-effective manner and in one official language of the Union ***and***

*at least in the language of the recipient to whom the decision referred to in Article 17 is addressed;*

Or. en

**Amendment 1230**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union *or one of the official languages of the Member State where the out-of-court dispute settlement body is established;*

Or. en

**Amendment 1231**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 18 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) it *is capable of* settling *dispute* in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it *ensures the* settling *of disputes* in a swift, efficient and cost-effective manner and in at least one official language of the Union, *or at the request of the recipient at least in English;*

Or. en

**Amendment 1232**  
**Ivan Štefanec**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient, ***accessible for persons with disabilities*** and cost-effective manner and in at least one official language of the Union;

Or. en

*Justification*

*Ensuring accessibility means not only ensuring services and platforms are accessible, but also that the whole ‘ecosystem’, including systems of legal remedies and bargaining measures are accessible. So, for example, if an out-of-court dispute mechanism is not accessible for persons with disabilities, they will have far less protection of rights as consumers or other users (e.g. businesses).*

**Amendment 1233**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient, ***accessible for persons with disabilities***, and cost-effective manner and in at least one official language of the Union;

Or. en

*Justification*

*Ensuring accessibility means not only ensuring services and platforms are accessible, but also that the whole ‘ecosystem’, including systems of legal remedies and bargaining measures are accessible. So, for example, if an out-of-court dispute mechanism is not accessible for persons with disabilities, they will have far less protection of rights as consumers or other users (e.g. businesses).*

#### Amendment 1234

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

#### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient, ***accessible for persons with disabilities*** and cost-effective manner and in at least one official language of the Union;

Or. en

#### Amendment 1235

Martin Schirdewan, Anne-Sophie Pelletier

#### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 1 – point d

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient, ***including for people with disabilities***, and cost-effective manner and in at least one official language of the Union;

Or. en

#### Amendment 1236

Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

#### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 1 – point e

*Text proposed by the Commission*

(e) the dispute settlement takes place in

*Amendment*

(e) the dispute settlement takes place in

accordance with clear and fair rules of procedure.

accordance with clear and fair rules of procedure *that are clearly visible and easily accessible to all parties concerned and in full compliance with all applicable law.*

Or. en

**Amendment 1237**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure.

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure *which are easily and publicly accessible.*

Or. en

**Amendment 1238**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) the dispute settlement takes place in accordance with clear and *fair* rules of procedure.

(e) the dispute settlement takes place in accordance with clear and *transparent* rules of procedure.

Or. en

**Amendment 1239**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) it ensures that a preliminary decision is taken within a period of seven days following the reception of the complaint and that the outcome of the dispute settlement is made available within a period of 90 calendar days from the date on which the body has received the complete complaint file.***

Or. en

**Amendment 1240**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively. ***The Digital Services Coordinator shall conduct regular checks with the certified bodies to ensure that the out-of-court resolution body comply with the requirements listed under paragraph 2a on an ongoing basis.***

Or. en

**Amendment 1241**

**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

*Amendment*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union ***or of the Member State*** in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

Or. en

**Amendment 1242**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Digital Services Coordinator shall reassess on a yearly basis whether the certified out-of-court dispute settlement body continues to fulfil the listed criteria. If this is not the case, the Digital Services Coordinator shall revoke the status from the out-of-court dispute settlement body.***

Or. en

**Amendment 1243**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Certified out-of-court dispute settlement bodies shall draw up annual reports listing the number of complaints received annually, the outcomes of the decisions delivered, any systematic or sectoral problems identified, and the average time taken to resolve the disputes.*

Or. en

**Amendment 1244**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Certified out of court dispute settlement bodies shall conclude dispute resolution proceedings within a reasonable period of time and no later than 90 calendar days after the date on which the certified body has received the complaint.*

Or. en

**Amendment 1245**

**Alex Agius Saliba**

**Proposal for a regulation**

**Article 18 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the



body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

***Out-of-court dispute settlement procedures should preferably be free of charge for the consumer. In the event that costs are applied, the procedure should be accessible, attractive and inexpensive for consumers. To that end, costs should not exceed a nominal fee.***

Or. en

#### *Justification*

*technical amendment to align it with the other articles.*

#### **Amendment 1246**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri**  
on behalf of the ID Group

#### **Proposal for a regulation**

#### **Article 18 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. ***If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.***

##### *Amendment*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement.

Or. en

#### **Amendment 1247**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

*Amendment*

If the body decides the dispute in favour of the recipient of the service **or organisations mandated under Article 68**, the online platform shall reimburse the recipient **or organisation** for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient **or organisation** shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

Or. en

**Amendment 1248**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 18 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

*Amendment*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, **and the body does not find the recipient acted in bad faith in the dispute**, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

*Justification*

*Such systems are open to abuse. Abusers should be subject to potential costs.*

**Amendment 1249**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 18 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof.

*Amendment*

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof. ***Out-of-court dispute settlement procedures should preferably be free of charge for the consumer. In the event that costs are applied, the procedure should be accessible, attractive and inexpensive for consumers. To that end, costs shall not exceed a nominal fee.***

**Amendment 1250**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 18 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Certified out-of-court dispute settlement bodies shall adopt a decision seeking to resolve the dispute no later than 90 calendar days starting on the date on which the certified body has received the complaint.***

***3b. Certified out-of-court dispute settlement bodies shall draw up annual reports listing the number of complaints received annually, the outcomes of the***

*decisions delivered, any systematic or sectoral problems identified, and the average time taken to resolve the disputes.*

Or. en

#### *Justification*

*There should be a deadline for the ADR providers for processing complaints. Under Article 8 of the Consumer ADR directive, it is not more than 90 days. Similarly, ADR entities under the DSA should have an obligation to draw up annual reports highlighting inter alia the number of complaints received, any systematic or recurrent problems, the average time taken to resolve a dispute. When doing so, they should base their analysis on but should not be limited to the information submitted by platforms under Article 23 of the DSA. This is because ADR bodies need to provide their insights in an independent manner. This would be very useful both to address any serious incompliances with the DSA and, if the gaps are identified, for further eventual improvements of the DSA and its enforcement.*

#### **Amendment 1251**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation Article 18 – paragraph 5**

##### *Text proposed by the Commission*

5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.

##### *Amendment*

5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph ***as well as out-of-court dispute settlement bodies whose status has been revoked.*** The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.

Or. en

#### **Amendment 1252**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. By 31 December 2024, and every two years thereafter, Digital Services Coordinators shall assess whether the dispute settlement bodies that they have been certified in accordance with paragraph 2 comply with the requirements of this Regulation. Each Digital Services Coordinator shall publish and send to the Agency a report on the development and functioning of those bodies. That report shall in particular:**

**(a) identify best practices of the out-of-court dispute settlement bodies;**

**(b) report on any demonstrable shortcomings, supported by statistics, that hinder the functioning of the out-of-court dispute settlement bodies for both domestic and cross-border disputes, where appropriate;**

**(c) make recommendations on how to improve the effective and efficient functioning of the out-of-court dispute settlement bodies, where appropriate.**

Or. en

**Amendment 1253**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. This Article is without prejudice to the provisions laid down in Article 43 concerning the ability of recipients of the services to file complaints with the Digital Services Coordinator of their country of**

*residence or in the case of very large online platforms, the Commission.*

Or. en

**Amendment 1254**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Member States shall establish a mechanism enabling the recipients of the service to contest decisions of out-of-court dispute settlement bodies before a national judicial authority or an administrative authority relevant for resolving disputes related to particular content.**

Or. en

**Amendment 1255**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. This Article shall only take effect on providers other than very large online platforms from [24 months after the date of entry into force of this Regulation].**

Or. en

*Justification*

*Setting up such a system, especially if it is not the same rules as under the P2B Regulation, will take time. This extra time should be provided for.*

**Amendment 1256**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 18a*

*Burden of proof*

*The rules on the burden of proof shall be shifted back to the providers of hosting services whether an information constitutes legal or illegal content.*

Or. en

**Amendment 1257**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

*[...]*

*Schrappen*

Or. nl

**Amendment 1258**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

### Amendment 1259

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

#### Proposal for a regulation

##### Article 19

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

### Amendment 1260

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak

on behalf of the Greens/EFA Group

#### Proposal for a regulation

##### Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without *delay*.

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, ***acting within their designated area of expertise***, through the mechanisms referred to in Article 14, are processed and decided upon with priority and ***expeditiously, taking into account due process. The use of automated notices by trusted flaggers without effective human review shall not be accepted as a valid means of submission.***

Or. en

### Amendment 1261

Adam Bielan, Kosma Złotowski, Beata Mazurek

#### Proposal for a regulation

##### Article 19 – paragraph 1



*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by ***competent*** trusted flaggers, ***addressing allegedly illegal content that can seriously affect public security, policy or consumers' health or safety*** through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. en

**Amendment 1262**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation  
Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by ***certified*** trusted flaggers, ***within their designated area of expertise***, through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay, ***depending on the severity of the illegal activity***.

Or. en

*Justification*

*To establish that trusted flaggers should only be prioritised when they submit notices within their area of expertise and that notices should be prioritised depending on the severity of the illegal activity.*

**Amendment 1263**

**Maria Grapini, Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, ***having regard to their expertise***, through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. en

**Amendment 1264**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon ***with priority and*** without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon without delay.

Or. en

**Amendment 1265**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The notices submitted by trusted flaggers do not in any way affect other notices. All notices submitted under those***

*mechanisms referred to in Article 14 are processed and decided upon without delay and in accordance with the rules of the profession.*

Or. en

**Amendment 1266**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The status of trusted flaggers under this Regulation *shall* be awarded, upon application by any entities, by *the Digital Services Coordinator of the Member State in which the applicant is established*, where the applicant has demonstrated to meet all of the following conditions:

*Amendment*

2. *The status of trusted flaggers conferred shall only apply in respect of the platform that conferred it.* The status of trusted flaggers under this Regulation *may* be awarded, upon application by any entities, by *any online platform*, where the applicant has demonstrated to meet all of the following conditions:

Or. en

**Amendment 1267**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 19 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any *entities*, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:

*Amendment*

2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any *entity*, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:

Or. en

## Amendment 1268

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior

### Proposal for a regulation

#### Article 19 – paragraph 2 – point a

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content, ***as well as intentional manipulation and exploitation of the service in the sense of Article 26, paragraph 1(c);***

Or. en

## Amendment 1269

Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde

### Proposal for a regulation

#### Article 19 – paragraph 2 – point a

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content ***or an incompatibility of the content with the platform's terms and conditions;***

Or. en

#### *Justification*

*There should be no ambiguity in the regulation about the right of “trusted flaggers” to notify providers of information that is incompatible with the provider’s terms & conditions via the notice and action mechanisms set out in Article 14. By adding an explicit reference to the terms & conditions in Article 19, this regulation would give trusted flaggers sufficient grounds to effectively carry out their activities. More generally, this regulation should aim to support the activities of trusted flaggers. Many platforms already operate “trusted flagger” programmes for this purpose. Trusted flaggers help level the playing field for non-dominant (non-VLOP) platforms as well as for smaller operators that employ more artisanal or community-reliant content moderation strategies.*

## Amendment 1270

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 19 – paragraph 2 – point a

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence ***that could be exercised in one or more Member States*** for the purposes of detecting, identifying and notifying ***specific types of*** illegal content;

Or. en

## Amendment 1271

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 19 – paragraph 2 – point a

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying ***allegedly*** illegal content;

Or. en

## Amendment 1272

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

### Proposal for a regulation

#### Article 19 – paragraph 2 – point b

*Text proposed by the Commission*

(b) it ***represents collective interests*** ***and*** is independent from any online platform;

*Amendment*

(b) it ***has a significant legitimate interest, either collectively or as individual entity,*** is independent from any online

platform, *and has a proven expertise of flagging illegal content with a high rate of accuracy*;

Or. en

#### **Amendment 1273**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it represents collective interests and is independent from any online platform, *law enforcement, or other government or relevant commercial entity*;

Or. en

#### **Amendment 1274**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it represents collective interests and is independent from any online platform, *law enforcement, or other government or relevant commercial entity*;

Or. en

#### *Justification*

*Normally, public bodies should use the legal system to notify illegal content.*

**Amendment 1275**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it represents collective interests and is independent from any online platform,  
***law enforcement or governmental entity;***

Or. en

**Amendment 1276**

**Brando Benifei, Monika Beňová, Maria Grapini**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it ***is an individual rightholder or*** represents collective interests and is independent from any online platform;

Or. en

**Amendment 1277**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents ***collective*** interests and is independent from any online platform;

*Amendment*

(b) it represents ***public*** interests and is independent from any online platform ***or state law enforcement;***

Or. en

**Amendment 1278**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it ***represents collective interests*** ***and*** is independent from any online platform;

*Amendment*

(b) it is independent from any online platform;

Or. en

*Justification*

*So that private entities can also be certified as trusted flaggers, as long as they fulfil all applicable criteria.*

**Amendment 1279**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) it is exceptionally allowed to flag content in the field of its expertise, defined by the official description of the institution or company,***

Or. en

**Amendment 1280**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c**



*Text proposed by the Commission*

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.

*Amendment*

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent, **accurate** and objective manner.

Or. en

**Amendment 1281**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) elle s'acquitte de ses tâches aux fins de la soumission des notifications en temps voulu, de manière diligente et objective.

*Amendment*

(c) elle s'acquitte de ses tâches aux fins de la soumission des notifications en temps voulu, de manière diligente et objective;

Or. fr

**Amendment 1282**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) it publishes, at least once a year, clear, easily comprehensible and detailed reports on all notices submitted in accordance with Article 14 during the relevant period. The report shall list:***

***- notices categorised by the identity of the provider of hosting services;***

***- the type of content notified;***

***- the specific legal provisions allegedly breached by the content notified;***

***- the action taken by the provider;***

*- any potential conflicts of interest and sources of funding, and an explanation of the procedures in place to ensure the trusted flagger maintains its independence.*

Or. en

**Amendment 1283**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(c bis) elle n'exprime ni ne relaie de position politique ou partisane, ni ne représente d'intérêt économique, à l'exception des organisations de protection et de défense des consommateurs ou de défense de l'environnement.*

Or. fr

**Amendment 1284**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) it is legally distinct from and functionally independent of the government of the Member State or any other public or private body;*

Or. en

**Amendment 1285**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten**

**Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation  
Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) it has a transparent funding structure, including publishing the sources and amounts of all revenue annually**

Or. en

*Justification*

*They should be transparent about their funding.*

**Amendment 1286**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation  
Article 19 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) it is not already a trusted flagger in another Member State.**

Or. en

*Justification*

*Clarification of the procedure*

**Amendment 1287**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation  
Article 19 – paragraph 2 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) it publishes, at least once a year, clear, easily comprehensible and detailed reports on any notices submitted in accordance with Article 14 during the relevant period. The report shall list notices categorised by the identity of the hosting service provider, the type of alleged illegal or terms and conditions violating content concerned, and what action was taken by the provider. In addition, the report shall identify relationships between the trusted flagger and any online platform, law enforcement, or other government or relevant commercial entity, and explain the means by which the trusted flagger maintains its independence.***

Or. en

*Justification*

*Trusted Flaggers should be fully transparent as to their actions, including by producing a report each year.*

**Amendment 1288**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 19 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***By way of derogation from point (b), a public entity may be awarded with the status of trusted flagger for non-intellectual property right related actions.***

Or. en

*Justification*

*normally, a public body should use the legal system to notify illegal content or acts, but if not related to IPR, there may be merits do allowing them to use the trusted flagger system.*

**Amendment 1289**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Online platforms may treat other third parties considered by the provider to have particular expertise and responsibilities for the purposes of tackling illegal content online as equal to a trusted flagger as to the mechanisms referred to Article 14. The conditions for granting such treatment shall be clearly set out and objective and shall be communicated to the Digital Services Coordinator of establishment. The names of such third parties shall be published in a clear and easily findable manner.**

Or. en

*Justification*

*While clarified in a recital, this should also be stated in the operational part of the regulation*

**Amendment 1290**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. An online platform that has conferred the status of trusted flagger on any entity may revoke that status at any**

*time by written notice to the entity concerned. Such revocation shall not affect the entity's status as a trusted flagger conferred by any other online platform.*

Or. en

**Amendment 1291**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Law enforcement agencies will not be awarded the status of trusted flaggers.**

Or. en

**Amendment 1292**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 19 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. An online platform shall make the a list of its trusted flaggers publicly available on its platform.**

Or. en

**Amendment 1293**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.**

*deleted*

Or. en

#### **Amendment 1294**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2. ***This communication shall include the geographical scope within which the trusted flagger competence was recognised based on the approval of a particular Digital Services Coordinator and information on expertise and competence declared by the trusted flagger.***

Or. en

#### **Amendment 1295**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Digital Services Coordinators shall communicate to the **Commission and the Board** the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

*Amendment*

3. Digital Services Coordinators shall **award the trusted flagger status for periods of three years, upon which the status may be renewed where the trusted flagger concerned continues to meet the requirements of this Regulation, and shall** communicate to the **Agency** the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

Or. en

**Amendment 1296**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation  
Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

*Amendment*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 **or have been revoked in accordance with paragraph 6.**

Or. en

**Amendment 1297**

**Evžen Tošenovský**

**Proposal for a regulation  
Article 19 – paragraph 4**



*Text proposed by the Commission*

*Amendment*

**4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.**

*deleted*

Or. en

#### **Amendment 1298**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation Article 19 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.

4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated. ***Notices referred to in paragraph 1 of this Article shall be proceeded with priority with respect to the geographical scope of the trusted flagger, according to awarding of the status by Member States.***

Or. en

#### **Amendment 1299**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation Article 19 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Commission shall publish the information referred to in ***paragraph 3*** in a publicly available database and keep the database updated.

4. The Commission shall publish the information referred to in ***paragraphs 3 and 6*** in a publicly available database ***in an easily accessible and machine-readable format*** and keep the database updated.

**Amendment 1300**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Trusted flaggers shall provide the Digital Services Coordinator of establishment with clear and accessible reports on notices they sent during the relevant period, at least once every three years. Those reports shall include information on:**

**(a) the number of notices submitted in accordance with Article 14, categorised by the type of presumed illegal content concerned;**

**(b) the number and percentage of notices that led to the removal or suspension of the content concerned; and**

**(c) the number of notices that were considered to be insufficiently precise or inadequately substantiated by the online platforms.**

Or. en

**Amendment 1301**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States may recognise entities, that were awarded the status of trusted flaggers in another Member State as a trusted flagger on their own territory.**

***Upon request by a Member State, trusted flaggers can be awarded the status of European trusted flagger by the Board, in accordance with Article 48, paragraph 2. The Commission shall keep register of European trusted flaggers.***

Or. en



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS 1302 - 1591**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



**Amendment 1302**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.**

**deleted**

Or. en

**Amendment 1303**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling

systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

***During this period of investigation by the Digital Services Coordinator, the trusted flagger shall be treated as a non-trusted flagger when using the mechanisms referred to in Article 14, where not suspended under Article 20.***

Or. en

### *Justification*

*If there is an ongoing investigation then any priority treatment should be suspended.*

#### **Amendment 1304**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 19 – paragraph 5**

##### *Text proposed by the Commission*

5. Where an online platform has information indicating that a trusted flagger submitted a ***significant*** number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

##### *Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a ***not insignificant*** number of insufficiently precise, ***inaccurate*** or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

Or. en

## Amendment 1305

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

### Proposal for a regulation

#### Article 19 – paragraph 5

*Text proposed by the Commission*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of ***insufficiently precise or inadequately substantiated*** notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

*Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of ***wrongful*** notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

Or. en

## Amendment 1306

Clara Ponsatí Obiols

### Proposal for a regulation

#### Article 19 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. Where recipients of the service, consumer organizations, or other civil society organizations or any third party with a legitimate interest consider that there are reasonable grounds to consider that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, it shall have the right to communicate that information to the Digital Services Coordinator that awarded***



*the status of trusted flagger.*

Or. en

**Amendment 1307**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 19 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger**

**deleted**

Or. en

**Amendment 1308**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 19 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis**

**6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis**

information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

information received by third parties, ***carried out without undue delay***, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

Or. en

### **Amendment 1309**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Article 19 – paragraph 6**

##### *Text proposed by the Commission*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis information received **by** third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

##### *Amendment*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis information received **from** third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

Or. en

##### *Justification*

*technical amendment*

### **Amendment 1310**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 19 – paragraph 6**

*Text proposed by the Commission*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received **by** third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

*Amendment*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received **from** third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

Or. en

### **Amendment 1311**

**Evžen Tošenovský**

#### **Proposal for a regulation** **Article 19 – paragraph 7**

*Text proposed by the Commission*

***7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.***

*Amendment*

***deleted***

Or. en

### **Amendment 1312**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten**

**Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation  
Article 19 – paragraph 7**

*Text proposed by the Commission*

7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

*Amendment*

7. The Commission, after consulting the Board, ***shall issue guidance as to how to apply and demonstrate the conditions of paragraph 2 and*** may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

Or. en

*Justification*

*Until an industry standard is agreed, guidance should be issued to ensure that each DSC is applying the same basic rules as to trusted flaggers. As trusted flaggers can act across borders, this is important to prevent forum shopping.*

**Amendment 1313**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation  
Article 19 – paragraph 7**

*Text proposed by the Commission*

7. The Commission, after consulting the Board, ***may*** issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

*Amendment*

7. The Commission, after consulting the Board, ***shall*** issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs ***2, 4a***, 5 and 6.

Or. en

**Amendment 1314**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Article 19 – paragraph 7**

*Text proposed by the Commission*

7. The Commission, after consulting the Board, *may* issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

*Amendment*

7. The Commission, after consulting the Board, *shall* issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

Or. en

**Amendment 1315**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 19 – paragraph 7**

*Text proposed by the Commission*

7. The *Commission, after consulting the Board*, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

*Amendment*

7. The *Agency* may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

Or. en

**Amendment 1316**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 19 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Notices submitted by local, regional and national authorities shall be processed and decided upon with an equivalent degree of priority and delay as the notices provided by entities which have been awarded a trusted flagger status.**

*Justification*

*Justification: While the introduction of the trusted flaggers scheme is welcome, notices provided by public authorities should be treated at the very least the same way as those provided by designated trusted flaggers. The contrary would potentially award private entities with superior law oversight powers as public authorities.*

**Amendment 1317**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation****Article 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 19a******Accessibility requirements for online platforms***

- 1. Providers of online platforms which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.***
- 2. Providers of online platforms shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Providers of online platforms shall keep that information for as long as the service is in operation.***
- 3. Providers of online platforms shall ensure that information, forms and measures provided pursuant to this Regulation are made available in a***

*manner that they are easy to find and accessible to persons with disabilities.*

*4. Providers of online platforms which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.*

*5. In the case of non-conformity, providers of online platforms shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements.*

*6. Provider of online platforms shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.*

*7. Online platforms which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.*

*8. Online platforms which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this*

***Regulation in so far as those technical specifications or parts thereof cover those requirements.***

Or. en

*Justification*

*Requirement for online platforms to take accessibility into account in the design of their services. Such a requirement would be proportionate to online platforms due to their role and influence, while a requirement on all hosting providers would likely be disproportionate.*

**Amendment 1318**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

*Amendment*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content. ***Any prior warning shall provide the recipient of the service with a reasonable amount of time to provide a justification to the online platform to consider that the information to which the suspension relates is not manifestly illegal. Such justifications shall be subject to human review.***

Or. en

*Justification*

*The US DMCA includes a repeat infringer policy which has led to the blocking of user accounts which have not infringed copyright, to the blocking of accounts without prior warning and to discouraging users from asserting their rights due to insufficient safeguards. To avoid these effects, the repeat infringer policy in the DSA must be more carefully designed. The mandatory prior warning, the time limitation of the suspension and the limiting to “manifestly illegal content” are all important safeguards that should be maintained, but that is not enough. First of all, it is important that a user is given the option to respond and that a human on the platform side has to review the justification before a warning is issued. Also,*



*providing justification must not be discouraged by threatening with a warning if a recipient insists on its rights.*

### **Amendment 1319**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation** **Article 20 – paragraph 1**

##### *Text proposed by the Commission*

1. Online platforms shall suspend, for a *reasonable* period of time *and after having issued a prior warning*, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

##### *Amendment*

1. Online platforms shall suspend, for a *specified* period of time, the provision of their services to recipients of the service that frequently provide manifestly illegal content *that has been duly declared illegal as defined in Article 2(g). The online platform may request support from the Digital Service Coordinator to establish the frequency for which account suspension is deemed necessary and to set the duration of the suspension.*

Or. en

### **Amendment 1320**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation** **Article 20 – paragraph 1**

##### *Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

##### *Amendment*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content, *or content that is in breach with their terms and conditions.*

**Amendment 1321**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

*Amendment*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content ***or that is incompatible with their terms and conditions.***

Or. en

*Justification*

*This amendment is proposed in order to remain consistent with Articles 14-19.*

**Amendment 1322**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

*Amendment*

1. Online platforms shall suspend, for a reasonable period of time and ***where proportionate*** after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

Or. en

*Justification*

*It is not proportionate to require a statement after each removal of, for example, a spam message.*

**Amendment 1323**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time **and after having issued a prior warning**, the provision of their services to recipients of the service that **frequently** provide manifestly illegal content.

*Amendment*

1. Online platforms shall, **after having issued a prior warning**, suspend, for a reasonable period of time, **or terminate** the provision of their services to recipients of the service that **repeatedly** provide manifestly illegal content.

Or. en

*Justification*

*Repeated offenders should be sanctioned more forcefully, so as to ensure an effective and dissuasive effect of the fight against illegal content. The same should apply to amateur complainants, It is also important to discourage unfounded complainants, that would be prejudicial to the aim of the Regulation.*

**Amendment 1324**

**Maria Grapini**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms **shall** suspend, for a reasonable period of time **and after having issued a prior warning**, the provision of their services to recipients of the service that **frequently** provide **manifestly** illegal content.

*Amendment*

1. **After having issued a prior warning**, online platforms **may** suspend, for a reasonable period of time **or terminate** the provision of their services to recipients of the service that **repeatedly** provide illegal content.

Or. en

**Amendment 1325**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Online marketplaces shall publish the information on traders suspended pursuant to paragraph 1 gathered in accordance with Article 22 (1) (a) in the database as referred to in Article 15 para. 4. When the suspension expires, the data shall be deleted from that database.***

Or. en

**Amendment 1326**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 bis. Les plateformes en ligne ne mettent pas en œuvre le mécanisme de notification et d'action prévu à l'article 14 lorsque les bénéficiaires visés sont des élus ou des candidats à des élections pendant les campagnes électorales.***

Or. fr

**Amendment 1327**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Les plateformes en ligne suspendent, pendant une période de temps raisonnable et après avoir émis un avertissement préalable, le traitement des notifications et des réclamations soumises par l'intermédiaire des mécanismes de notification et d'action et des systèmes internes de traitement des réclamations prévus aux articles 14 et 17, respectivement, par des individus, des entités ou des plaignants qui soumettent fréquemment des notifications ou des réclamations manifestement infondées.

*Amendment*

2. Les plateformes en ligne suspendent, pendant une période de temps raisonnable et après avoir émis un avertissement préalable, le traitement des notifications et des réclamations soumises par l'intermédiaire des mécanismes de notification et d'action et des systèmes internes de traitement des réclamations prévus aux articles 14 et 17, respectivement, par des individus, des entités ou des plaignants, **y compris des signaleurs de confiance**, qui soumettent fréquemment des notifications ou des réclamations manifestement infondées.

***Si les individus, des entités ou des plaignants, y compris des signaleurs de confiance, ayant fait l'objet d'une mesure de suspension de traitement des notifications et des réclamations, persistent à soumettre des notifications ou des réclamations manifestement infondées ou s'avérant infondées, les plateformes en ligne suspendent, pendant une période de temps raisonnable et après avoir émis un avertissement préalable, la fourniture de leurs services à ces bénéficiaires.***

Or. fr

**Amendment 1328**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action

*Amendment*

2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action

mechanisms *and* internal complaints-handling systems referred to in Articles 14 *and* 17, respectively, by individuals or entities or by complainants that *frequently* submit notices or complaints that are manifestly unfounded.

mechanisms, internal complaints-handling systems *and out-of-court dispute settlement bodies* referred to in Articles 14, 17 *and* 18, respectively, by individuals or entities or by complainants that *repeatedly* submit notices or complaints *or initiate dispute settlements* that are manifestly unfounded.

Or. en

**Amendment 1329**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

*Amendment*

2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded. *This paragraph does not apply to trusted flaggers according to Article 19.*

Or. en

**Amendment 1330**  
**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. *Online platforms shall* suspend, for a reasonable period of time and after

*Amendment*

2. *Providers of hosting services may* suspend, for a reasonable period of time

having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

Or. en

### **Amendment 1331**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

#### **Proposal for a regulation Article 20 – paragraph 2**

##### *Text proposed by the Commission*

2. Online platforms shall suspend, for a **reasonable** period of time and after having issued **a prior warning**, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are **manifestly** unfounded.

##### *Amendment*

2. Online platforms shall suspend, for a **specified** period of time and after having issued **at least three** prior **warnings**, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are unfounded.

Or. en

### **Amendment 1332**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation Article 20 – paragraph 2**

##### *Text proposed by the Commission*

2. Online platforms shall suspend, for

##### *Amendment*

2. Online platforms shall, **after having**

a reasonable period of time *and after having issued a prior warning*, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

*issued a prior warning*, suspend, for a reasonable period of time, *or terminate* the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

Or. en

**Amendment 1333**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that *frequently* submit notices or complaints that are manifestly unfounded.

*Amendment*

2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that *repeatedly* submit notices or complaints that are manifestly unfounded.

Or. en

**Amendment 1334**

**Arba Kokalari, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the absolute numbers of items of

*Amendment*

(a) the absolute numbers of items of



manifestly illegal content or manifestly unfounded notices or complaints, submitted in *the past year*;

manifestly illegal content or manifestly unfounded notices or complaints, submitted in *a given time frame*;

Or. en

#### **Amendment 1335**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

##### **Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the absolute numbers of items of *manifestly* illegal content or *manifestly* unfounded notices or complaints, submitted in the past year;

*Amendment*

(a) the absolute numbers of items of illegal content or unfounded notices or complaints, submitted in the past year;

Or. en

#### **Amendment 1336**

**Arba Kokalari, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Ivan Štefanec, Barbara Thaler**

#### **Proposal for a regulation**

##### **Article 20 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in *the past year*;

*Amendment*

(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in *a given time frame*;

Or. en

#### **Amendment 1337**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) the gravity of the misuses and its consequences;

*Amendment*

(c) the gravity of the misuses and its consequences, ***in particular on the exercise of fundamental rights, regardless of the absolute numbers or relative proportion;***

Or. en

**Amendment 1338**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) the intention of the recipient, individual, entity or complainant.

*Amendment*

(d) the intention of the recipient, individual, entity or complainant, ***including whether submissions were made in bad faith;***

Or. en

*Justification*

*clarification of additional circumstances that should be taken into account*

**Amendment 1339**

**Arba Kokalari, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) the intention of the recipient, individual, entity or complainant.

*Amendment*

(d) ***where identifiable***, the intention of the recipient, individual, entity or

complainant.

Or. en

**Amendment 1340**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 20 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) whether a notice was submitted by an individual user or by an entity or persons with specific expertise related to the content in question;***

Or. en

*Justification*

*clarification of additional circumstances that should be taken into account*

**Amendment 1341**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 20 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The assessment must be carried out by qualified staff provided with dedicated training on the applicable legal framework.***

Or. en

**Amendment 1342**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 20 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) the fact that notices and complaints were submitted following the use of an automated content recognition system;**

Or. en

**Amendment 1343**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 20 – paragraph 3 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(db) any justification provided by the recipient of the service to provide sufficient grounds to consider that the information is not manifestly illegal.**

Or. en

**Amendment 1344**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 20 – paragraph 3 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(db) the manner of how notices have been submitted, including by automated means.**

*Justification*

*clarification of additional circumstances that should be taken into account*

**Amendment 1345**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Suspensions referred to in paragraphs 1 and 2 may be declared permanent where**

**(a) compelling reasons of law or public policy, including ongoing criminal investigations, justify avoiding or postponing notice to the recipient;**

**(b) the items removed were components of high-volume campaigns to deceive users or manipulate platform content moderation efforts; or**

**(c) the items removed were related to content covered by [Directive 2011/93/EU updated reference] or [Directive (EU) 2017/541 or Regulation (EU) 2021/784 of the European Parliament and of the Council].**

*Justification*

*Spammers and postings of serious criminal material should not only be suspended for a limited period of time*

**Amendment 1346**

**Geert Bourgeois**

**Proposal for a regulation**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 bis. Zeer grote sociale onlineplatforms houden in het bijzonder rekening met de verplichting om in beginsel een universele dienst te verlenen.**

Or. nl

**Amendment 1347**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

4. Online platforms shall set out, in a clear and detailed manner ***with due regard to their obligations under Article 12(2) in particular as regards the applicable fundamental rights of the recipients of the service as enshrined in the Charter***, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

Or. en

**Amendment 1348**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as *regards* the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

*Amendment*

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including *examples* as the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

Or. en

*Justification*

*It is impossible to include all potential situations into a provider's terms and conditions.*

**Amendment 1349**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 20 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Providers of hosting services could, as a voluntary measure in line with provisions Article 6, conduct own-investigation measures to prevent suspended accounts from reappearing before the suspension is lifted. The obligations related to paragraph 1 to 4 shall by no means impose general monitoring obligations on hosting services.***

Or. en

*Justification*

*To clarify that measures to protect against misuse should by no means impose general monitoring obligations or obligations to introduce a stay-down mechanism.*

**Amendment 1350**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Paul Tang, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 20 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 20a**

**Content of public interest**

- 1. When a online platform takes the decision to remove content or to suspend the provision of its services to a recipient of the service, it shall take into account whether the content is or appears to be specifically intended to contribute to public policy objectives, in particular where the content is of particular importance to public policy, public security or public health objectives at Union or national level.**
- 2. If an online platform decides to remove content or suspend the provision of its services to a user which is or appears to be of public interest, related to public policy, public security or public health the online platform shall take the necessary technical and organisational measures to ensure that complaints through the internal complaint-handling system referred to in Article 17, are processed and decided upon with priority and without delay.**

Or. en

*Justification*

*Replacing amendment 110 in the draft report. Inspired by the UK Online Safety Bill*

**Amendment 1351**

**Sandro Gozi, Stéphanie Yon-Courtin, Fabienne Keller, Valérie Hayer, Christophe**



**Proposal for a regulation**

**Article 21**

*Text proposed by the Commission*

*Amendment*

*Article 21*

*deleted*

*Notification of suspicions of criminal offences*

**1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.**

**2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.**

**For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.**

Or. en

*Justification*

*The text of Article 21 is reintroduced with few modifications as Article 15b*

**Amendment 1352**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**

**Article 21**

*Text proposed by the Commission*

*Amendment*

**Article 21**

**deleted**

***Notification of suspicions of criminal offences***

***1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.***

***2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.***

***For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.***

Or. en

*Justification*

*Moved to article 15a.*

## Amendment 1353

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec, Barbara Thaler

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. *Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*

*deleted*

Or. en

## Amendment 1354

Christian Doleschal

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a **serious** criminal offence involving a threat to the life **or** safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

1. Where an online platform becomes aware of any information giving rise to a suspicion that a criminal offence involving a threat to the life, safety of persons **or public safety and order**, has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available. **Member States may further define the categories of offences outlined by paragraph 1.**

Or. en

### *Justification*

*The notification requirement for "serious criminal offence involving a threat to the life and safety of persons" is insufficient. What is required is a notification requirement that includes hate crime offences such as incitement to hatred (e.g. denial of the Holocaust). What is prohibited offline should also be prosecuted online. Since criminal law differs in the EU Member States, it is necessary for the Member States to maintain the existing level of protection in national law.*

#### **Amendment 1355**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Liesje Schreinemacher**

#### **Proposal for a regulation Article 21 – paragraph 1**

##### *Text proposed by the Commission*

1. Where an online platform becomes aware of **any** information giving rise to a suspicion that a serious criminal offence involving **a** threat to the life or safety of persons has taken place, is taking place or **is likely** to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide **all** relevant information **available**.

##### *Amendment*

1. Where an online platform becomes aware of **exact** information giving rise to a suspicion that a serious criminal offence involving **an imminent** threat to the life or safety of persons has taken place, is taking place or **planned** to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide, **upon their request, any additional** relevant information.

Or. en

### *Justification*

*Such measures should only be required to an imminent threat. Due to the serious nature of such a notice and the potential for misunderstanding of content and context, it is vital that providers are not issuing notices that might negatively affect the rights of users, including the presumption of innocence. Only where there is an overriding factor, such as a imminent threat to life, should this be required.*

#### **Amendment 1356**

**Marion Walsmann**

#### **Proposal for a regulation Article 21 – paragraph 1**

*Text proposed by the Commission*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a **serious** criminal offence ***involving a threat to the life or safety of persons*** has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

*Amendment*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a criminal offence has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

Or. en

*Justification*

*Not only serious criminal offence, but also online fraud like unsafe products and counterfeit should be reported.*

**Amendment 1357**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 21 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 bis. Lorsqu'une plateforme de commerce en ligne a connaissance d'informations permettant de soupçonner qu'une infraction pénale impliquant une contrefaçon ou une fraude a été commise, est commise, ou est susceptible de l'être, elle informe promptement les services répressifs et judiciaires de l'État membre concerné de son soupçon et fournit toutes les informations pertinentes disponibles. Elle a également la faculté de diligenter une enquête interne et, selon les résultats de celle-ci, de retirer la ou les annonces en cause. Elle transmet les éléments et le résultat de cette enquête aux mêmes services de l'État membre concerné.***

Or. fr

## Amendment 1358

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec

### Proposal for a regulation

#### Article 21 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. *Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.*

*deleted*

*For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.*

Or. en

## Amendment 1359

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

### Proposal for a regulation

#### Article 21 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.

Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform ***without undue delay*** the law enforcement authorities of the Member State in which it is established or has its legal representative or inform

Europol.

Or. en

**Amendment 1360**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 21 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Lorsque la plateforme en ligne n'est pas en mesure de déterminer de façon certaine l'État membre concerné, elle informe les services répressifs de l'État membre dans lequel elle ou son représentant légal est établi *ou informe* Europol.

*Amendment*

Lorsque la plateforme en ligne n'est pas en mesure de déterminer de façon certaine l'État membre concerné, elle informe les services répressifs de l'État membre dans lequel elle ou son représentant légal est établi *et peut également informer* Europol.

Or. fr

**Amendment 1361**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**

**Article 21 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.*

*Amendment*

*deleted*

Or. en

**Amendment 1362**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 21 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. When a platform that allows consumers to conclude distance contracts with traders becomes aware that a piece of information, a product or service poses a serious risk to the life, health or safety of consumers, it shall promptly inform the competent authorities of the Member State or Member States concerned and provide all relevant information available.**

Or. en

*Justification*

*Platforms should be obliged to inform law enforcement or judicial authorities when the life or safety of individuals is threatened under criminal law, but also when online marketplaces become aware of other illegal activities such as fraudulent and scam ads, the sale of illegal products online.*

**Amendment 1363**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 21 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Unless instructed otherwise by the informed authority, the provider shall remove or disable the content. It shall store all content and related data for at least six months.**

Or. en



*Justification*

*While police may request that content stays up, in most cases, it is better to remove it for the safety of those concerned*

**Amendment 1364**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 21 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Information obtained by a law enforcement or judicial authority of a Member State in accordance with paragraph 1 shall not be used for any purpose other than those directly related to the individual serious criminal offence notified.**

Or. en

*Justification*

*This provision must respect the rights of users and should not be used in unconnected ways.*

**Amendment 1365**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 21 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The Commission shall adopt an implementing act setting down a template for notifications under paragraph 1.**

Or. en

*Justification*

*This article can only be implemented quickly if there is a standardised way to submit such notifications*

**Amendment 1366**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 21 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. Where a notification of suspicions of criminal offences includes information which may be seen as potential electronic information in criminal proceedings, Regulation XXX [E-evidence] shall apply.**

Or. en

*Justification*

*This article should be aligned to the E-evidence Regulation*

**Amendment 1367**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

**Proposal for a regulation**

**Article 22**

*Text proposed by the Commission*

*Amendment*

**[...]**

**deleted**

Or. en

**Amendment 1368**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 22 – title**

*Text proposed by the Commission*

*Amendment*

Traceability of traders

Traceability of traders ***on online Marketplaces***

Or. en

*Justification*

*Updated title in light of definition of a marketplace*

**Amendment 1369**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 22 – title**

*Text proposed by the Commission*

*Amendment*

Traceability of traders

Traceability of traders ***on online marketplaces***

Or. en

**Amendment 1370**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained, ***and has made best efforts to***

*verify the completeness and reliability of,*  
the following information:

Or. en

## **Amendment 1371**

**Jiří Pospíšil**

### **Proposal for a regulation**

#### **Article 22 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

##### *Amendment*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained ***and verified the validity of*** the following information:

Or. en

## **Amendment 1372**

**Marion Walsmann**

### **Proposal for a regulation**

#### **Article 22 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. ***Where an online platform allows consumers to conclude distance contracts with traders, it*** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online ***platform*** has obtained the following information:

##### *Amendment*

1. ***The online marketplace*** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online ***marketplace*** has obtained ***and checked*** the following information:

Or. en

### Amendment 1373

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior

#### Proposal for a regulation

##### Article 22 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. **Where an online platform allows consumers to conclude distance contracts with traders, it** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **its** services, the online **platform has** obtained the following information:

*Amendment*

1. **Providers of online marketplaces** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **their** services, the online **marketplaces have** obtained the following information:

Or. en

### Amendment 1374

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

#### Proposal for a regulation

##### Article 22 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, **prior to the use of its services**, the online platform has obtained the following information:

*Amendment*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if the online platform has obtained the following information:

Or. en

### Amendment 1375

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

**Proposal for a regulation**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **Where an online platform allows consumers to conclude distance contracts with traders, it** shall ensure that traders can only use **its** services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **its** services, the online **platform** has obtained the following information:

*Amendment*

1. **Providers of online marketplaces** shall ensure that traders can only use **their** services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **their** services **for those purposes**, the online **marketplace** has obtained the following information **from traders, where applicable**:

Or. en

**Amendment 1376**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where **an online platform** allows consumers to conclude distance contracts with traders, **it** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

*Amendment*

1. Where allows consumers to conclude distance contracts with traders, **an online platform** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

Or. en

**Amendment 1377**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) the name, address, telephone number and electronic mail address of the trader;**

**deleted**

Or. en

**Amendment 1378**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) the name, address, telephone number and electronic mail address of the trader;**

**(a) the name, address, telephone number and electronic mail address of the trader *and as required under Union or Member State law, of the authorised representative of the trader.***

Or. en

**Amendment 1379**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(a) the first and last name of the trader that is an individual and legal name of the trader that is an entity;**  
**(b) the primary address of the trader;**  
**(c) the telephone number and electronic mail address of the trader;**

Or. en

**Amendment 1380**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>50</sup> ;** **deleted**

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<sup>50</sup> *Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC*

Or. en

**Amendment 1381**

**Arba Kokalari, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) the bank account details of the trader, where the trader is a natural person;** **deleted**

Or. en

**Amendment 1382**  
**Kosma Zlotowski**



**Proposal for a regulation**  
**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) *the bank account details of the trader, where the trader is a natural person;*

*Amendment*

(c) *as defined by Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation, the Financial Account Identifier to which the Consideration is paid or credited, insofar as it is available to the online platform;*

Or. en

**Amendment 1383**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) *the bank account details of the trader, where the trader is a natural person;*

*Amendment*

(c) *as defined by Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation, the Financial Account Identifier to which the Consideration is paid or credited, insofar as it is available to the online platform;*

Or. en

**Amendment 1384**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the bank account details of the trader, *where the trader is a natural*

*Amendment*

(c) the bank account details of the trader;

*person;*

Or. en

**Amendment 1385**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the **bank** account details of the trader, **where the trader is a natural person;**

(c) the **payment** account details of the trader;

Or. en

*Justification*

*not all payment account are connected to bank accounts.*

**Amendment 1386**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Karen Melchior, Laurence Farreng, Marco Zullo, Stéphane Séjourné**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the **bank** account details of the trader, **where the trader is a natural person;**

(c) the **payment** account details of the trader;

Or. en

**Amendment 1387**

**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>51</sup> or any relevant act of Union law;*

*deleted*

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<sup>51</sup> *Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).*

Or. en

**Amendment 1388**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the name, address, telephone number and electronic mail address of the economic operator, *within the meaning of* Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>51</sup> or any relevant act of Union law;

(d) the name, address, telephone number and electronic mail address of the economic operator, *established in the Union and carrying out the tasks in accordance with* Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>51</sup> or *[Article XX of the General Product Safety Regulation], or* any relevant act of Union law;

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<sup>51</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of

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<sup>51</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of

20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

Or. en

### **Amendment 1389**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

### **Proposal for a regulation**

#### **Article 22 – paragraph 1 – point d**

##### *Text proposed by the Commission*

(d) the name, address, telephone number and electronic mail address of the economic operator, ***within the meaning of*** Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>51</sup> or any relevant act of Union law;

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<sup>51</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

##### *Amendment*

(d) the name, address, telephone number and electronic mail address of the economic operator ***established in the Union and carrying out the tasks in accordance with*** Article 3(13) and Article 4 of Regulation (EU)2019/1020 of the European Parliament and the Council<sup>51</sup> or ***[Article XX of the General Product Safety Regulation]*** or any relevant act of Union law;

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<sup>51</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

Or. en

##### *Justification*

*To be adjusted upon the final text of the GPSR proposal. If both the requirements of the market surveillance and the GPSR are covered, both harmonised and non-harmonised product traders would be in the scope of this article.*

**Amendment 1390**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.** **deleted**

Or. en

**Amendment 1391**

**Arba Kokalari, Marion Walsmann, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.**

**(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law *and where applicable confirming that all products have been checked against the Union Rapid Alert System for dangerous non-food products (Rapex).***

Or. en

*Justification*

*To prevent the sale of unsafe and illegal products on online platforms.*

**Amendment 1392**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.

*Amendment*

(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law; ***where such commitment is included in the Terms and Conditions of the platform, the trader is exempt from the self-certification.***

Or. en

**Amendment 1393**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.

*Amendment*

(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law ***to the best of their abilities.***

Or. en

**Amendment 1394**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 22 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) a self-certification by the trader ***committing to only offer*** products or services ***that*** comply with the ***applicable rules of Union law.***

*Amendment*

(f) a self-certification by the trader ***that*** products or services ***provided*** comply with the ***relevant Union or national law on product safety and product compliance.***

Or. en

**Amendment 1395**  
**Andreas Schwab**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) Die Art der Produkte oder Dienstleistungen, die der Unternehmer auf der Online-Plattform anzubieten beabsichtigt, einschließlich Informationen, die eine eindeutige Identifizierung des Produkts oder der anzubietenden Dienstleistung ermöglichen, sowie die einschlägigen Informationen im Einklang mit den im Unionsrecht festgelegten Konformitätsanforderungen für Produkte und Dienstleistungen, gegebenenfalls einschließlich der CE-Kennzeichnung und der Warnhinweise, Informationen und Etiketten.***

Or. de

**Amendment 1396**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) information and documentation about products and services required by Union, Member State law or relevant technical standards and specifications, including product safety requirements.***

Or. en

**Amendment 1397**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) product safety information such as product labelling and registration number, where applicable, for the mitigation of risks posed by specific types of products.***

Or. en

**Amendment 1398**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) whether the drop shipping principle is applied, i.e. goods are offered that are not in stock in the retailer's warehouse;***

Or. en

**Amendment 1399**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of online marketplaces shall require traders to provide the information referred to in points (a) and (e) immediately upon initial registration***



*for its services. Traders shall be required to provide any supplementary material relating to the information requirements set out in Article 22(1) within a reasonable period, and prior to the use of the service and offering of products and services to consumer.*

Or. en

**Amendment 1400**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Providers of online marketplaces shall require traders to provide the information referred to in points (a) and (e) immediately upon initial registration for its services. Traders shall be required to provide any supplementary material relating to the information requirements set out in Article 22(1) within a reasonable period, no later than before offering of products and services to consumer.*

Or. en

*Justification*

*The information is needed before trading, not merely to create an account. Traders should be given the time needed to obtain the required information.*

**Amendment 1401**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online platform shall, upon receiving that information, **make reasonable efforts to** assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The online platform shall, upon receiving that information, assess, **with the support of the Digital Service Coordinator if needed**, whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable **and official** sources. **Online platforms allowing distance contracts with third-country traders shall establish that the third-country trader complies with the relevant Union or national law on product safety and product compliance before giving them access its services offered in the Union and, where appropriate, with the support of the Digital service Coordinator. The Digital Service Coordinator may request support from market surveillance or customs authorities to assess the information provided by the trader.**

Or. en

**Amendment 1402**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. **The** online platform shall, upon receiving that information, make reasonable efforts to **assess** whether the information referred to in **points (a), (d) and (e) of** paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide

*Amendment*

2. online platform shall, upon receiving that information, **and prior to allowing traders to use its services**, make reasonable efforts to **verify** whether the information referred to in paragraph 1 is reliable, **complete and up-to-date** through the use of any freely accessible official online database or online interface made available by a Member States or the Union,

supporting documents from reliable sources.

*by data processed by the online platform, or through requests to the trader to provide supporting documents from reliable sources. **Online platforms covered under this Article shall verify the information listed in paragraph 1 from traders that already use their services prior to the entry into force and application of this Regulation.***

Or. en

**Amendment 1403**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online *platform* shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The online *marketplaces* shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database, *like RAPEX*, or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources. *The online marketplaces shall require that traders promptly inform them of any changes to the information referred in points (a), (d), (e) and (f) and ensure that the information provided are up to date and accurate.*

Or. en

**Amendment 1404**

**Arba Kokalari, Marion Walsmann, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) **and (e)** of paragraph 1 is reliable through the use of any freely accessible official online database or online **interface** made available by a Member **States** or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) **(e) and (f)** of paragraph 1 is reliable through the use of any freely accessible official online database, **like the Rapex system** or online **interfaces** made available by a Member **State** or the Union or through requests to the trader to provide supporting documents from reliable sources. **The online platform shall require that traders promptly inform them of any changes to the information referred to in points (a), (d), (e) and (f) and regularly repeat this verification process.**

Or. en

**Amendment 1405**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online **platform** shall, upon receiving that information, **make reasonable** efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is **reliable** through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The **providers of online marketplaces** shall, upon receiving that information **and before allowing traders to use their services, make best** efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is **accurate** through the use of any freely accessible official online database or online interface made available by **an authorized administrator or** a Member States or the Union or through **direct** requests to the trader to provide supporting documents from reliable sources.

**Amendment 1406**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online **platform** shall, upon receiving that information, make **reasonable** efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is **reliable** through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The **providers of** online **marketplaces** shall, upon receiving that information, make **best** efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is **accurate** through the use of any freely accessible official online database or online interface made available by **an authorised administrator or** a Member States or the Union or through **direct** requests to the trader to provide supporting documents from reliable sources.

*Justification*

*Not all databases are run directly by the Member States. Some business registries are held by private bodies for example.*

**Amendment 1407**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official

*Amendment*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official

online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

online database or online interface made available by ***an authorized administrator or*** a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

**Amendment 1408**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any ***freely accessible official online database*** or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the ***identification of the trader as*** information referred to in points (a), ***(b), (c)*** (d) and (e) of paragraph 1 is reliable through the use of any ***reliable and independent source*** or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

**Amendment 1409**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any ***freely accessible official***

*Amendment*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information ***provided by the trader, as*** referred to in points (a), (d), ***(c)*** and (e) of paragraph 1 is reliable through the use of

*online database* or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

any *trustworthy independent source* or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

#### **Amendment 1410**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 22 – paragraph 2**

##### *Text proposed by the Commission*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member *States* or the Union or through requests to the trader to provide supporting documents from reliable sources.

##### *Amendment*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member *State* or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

#### **Amendment 1411**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

#### **Proposal for a regulation** **Article 22 – paragraph 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***2a. Before giving access to traders to offer products or services and to display advertising on their online interfaces, the online platform shall make reasonable efforts to prevent fraudulent practices on***

*their platform, such as offers or advertisements of fake shops operators;*

Or. en

**Amendment 1412**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the online *platform* obtains indications that *any* item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

*Amendment*

Where the online *marketplace* obtains indications that *information under paragraph 1 letter (f) is inaccurate it shall remove the product or service directly from their online platform and if any other* item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

**Amendment 1413**  
**Arba Kokalari, Marion Walsmann, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the online platform obtains indications that *any* item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is

*Amendment*

Where the online platform obtains indications that *information under paragraph 1, letter (f) is inaccurate it shall remove the product or service directly from their online platform and if any other* item of information referred to in paragraph 1 obtained from the trader



accurate and complete, without delay or within the time period set by Union and national law.

concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

**Amendment 1414**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the online platform *obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.*

*Amendment*

Where *a trader does not provide the information required under paragraph 1 after two reminders following the initial request by the online platform, but not prior to the expiration of 60 days, the latter shall*

Or. en

**Amendment 1415**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is

*Amendment*

Where the online platform obtains indications, *or has sufficient reason to believe*, that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as

accurate and complete, without delay or within the time period set by Union and national law.

necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

*Justification*

*The Commission text seems to imply that an online platform has to obtain such information or have potential inaccuracies pointed out for its attention and this could not be realistic in all cases.*

**Amendment 1416**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the online **platform** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **platform** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

*Amendment*

Where the **providers of online marketplaces** obtains **sufficient** indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **marketplace** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

*Justification*

*No information can ever be complete and there will always be minor issues (such as typos). Therefore indications should be sufficient to act.*

**Amendment 1417**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

## Proposal for a regulation

### Article 22 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

Where the online **platform obtains** indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **platform** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

#### *Amendment*

Where the **providers of** online **marketplaces obtain** indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **online marketplace** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

## Amendment 1418

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

## Proposal for a regulation

### Article 22 – paragraph 3 – subparagraph 2

#### *Text proposed by the Commission*

Where the trader fails to correct or complete that information, the online **platform** shall suspend the provision of its service to the trader until the request is complied with.

#### *Amendment*

Where the trader fails to correct or complete that information, the **providers of** online **marketplaces** shall suspend the provision of its service to the trader **in relations to the offering of products or services to consumers located in the Union** until the request is **fully** complied with.

Or. en

## Amendment 1419

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where the trader fails to correct or complete that information, the online **platform** shall suspend the provision of its service to the trader until the request is complied with.

*Amendment*

Where the trader fails to correct or complete that information, the online **marketplace** shall suspend the provision of its service to the trader ***in relations to the offering of products or services to consumers located in the Union*** until the request is ***fully*** complied with.

Or. en

*Justification*

*Such requirements apply only in relations to the Union and EU consumers. Many marketplaces are international and therefore it is not correct to suspend a trader in relations to non-EU services.*

**Amendment 1420**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***Where the trader fails to correct or complete that information, the online platform shall*** suspend the provision of its service to the trader until the request is complied with.

*Amendment*

suspend the provision of its service to the trader until the request is complied with.

Or. en

**Amendment 1421**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where the trader fails to correct or complete that information, the online platform shall suspend the provision of its service to the trader until the request is complied with.

*Amendment*

Where the trader fails to correct or complete that information *swiftly*, the online platform shall suspend the provision of its service to the trader until the request is complied with.

Or. en

**Amendment 1422**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where the trader fails to correct or complete that information, the online *platform* shall suspend the provision of its service to the trader until the request is complied with.

*Amendment*

Where the trader fails to correct or complete that information, the online *marketplace* shall suspend the provision of its service to the trader until the request is complied with.

Or. en

**Amendment 1423**  
**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***In addition, the platforms covered under this obligation shall conduct random checks on the products and services traders offer on their online interfaces or parts thereof. These shall include but shall not be limited to regular and meaningful mystery shopping exercises and visual inspections.***

Or. en

**Amendment 1424**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 22 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The providers of online marketplaces shall ensure that traders are given the ability to discuss any information viewed as inaccurate or incomplete directly with a trader before any suspension of services. This may take the form of the internal complaint-handling system under Article 17.**

Or. en

**Amendment 1425**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The providers of online marketplaces shall ensure that traders are given the ability to discuss any information viewed as inaccurate or incomplete directly with a trader before any suspension of services. This may take the form of the internal complaint-handling system under Article 17.**

Or. en

*Justification*

*Due to the direct negative impact that such a suspension would have on many traders, it is vital to give them a chance to discuss problems before a suspension.*

**Amendment 1426**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 22 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. If an online marketplaces rejects an application for services or suspends services to a trader, the trader shall have recourse to the systems under Article 17 and Article 43 of this Regulation.***

Or. en

**Amendment 1427**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. If an online marketplace rejects an application for services or suspends services to a trader, the trader shall have recourse to the systems under Article 17 and Article 43 of this Regulation.***

Or. en

*Justification*

*procedural amendment*

**Amendment 1428**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 22 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. Traders shall be solely liable for the accuracy the information provided and shall inform without delay the online marketplace of any changes to the information provided.**

Or. en

**Amendment 1429**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 22 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. Traders shall be solely liable for the accuracy of the information provided and shall inform without delay the online marketplace of any changes to the information provided.**

Or. en

*Justification*

*Liability for a product rests solely with the trader of that product, including any information provided.*

**Amendment 1430**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 22 – paragraph 4**



*Text proposed by the Commission*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. **They shall subsequently delete the information.**

*Amendment*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned, ***asking the trader to notify any changes and confirm the information held by the online platform once a year. After the contractual relationship has ended, the online platform shall delete the information.***

Or. en

**Amendment 1431**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

*Amendment*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information, ***without prejudice to sector-specific legislation with longer storage requirements.***

Or. en

**Amendment 1432**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The online ***platform*** shall store the

*Amendment*

4. The online ***marketplace*** shall store

information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information *no later than six months after the final conclusion of a distance contract.*

Or. en

*Justification*

*Maintaining this data for six months may help to find a trader if a product is discovered by a consumers to have problems that need to be addressed.*

**Amendment 1433**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. La plateforme en ligne stocke les informations obtenues au titre des paragraphes 1 et 2 de façon sécurisée pour la durée de sa relation contractuelle avec le professionnel concerné. Elle supprime par la suite ces informations.

*Amendment*

4. La plateforme en ligne stocke les informations obtenues au titre des paragraphes 1 et 2 de façon sécurisée pour la durée de sa relation contractuelle avec le professionnel concerné. Elle supprime par la suite ces informations, *le cas échéant après l'expiration de leur délai légal de conservation.*

Or. fr

**Amendment 1434**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The online platform shall store the information obtained pursuant to paragraph

*Amendment*

4. The online platform shall store the information obtained pursuant to paragraph

1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information ***in accordance with relevant national and/or Union laws.***

Or. en

#### **Amendment 1435**

**Kosma Zlotowski**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 4**

##### *Text proposed by the Commission*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

##### *Amendment*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information ***in accordance with applicable laws.***

Or. en

#### **Amendment 1436**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 4**

##### *Text proposed by the Commission*

4. The online ***platform*** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

##### *Amendment*

4. The ***providers of online market places*** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Or. en

**Amendment 1437**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The online *platform* shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

*Amendment*

4. The online *marketplace* shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Or. en

**Amendment 1438**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 2, the *platform* shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

*Amendment*

5. Without prejudice to paragraph 2, the *providers of online marketplaces* shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. en

**Amendment 1439**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin,**

**Liesje Schreinemacher**

**Proposal for a regulation  
Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 2, the **platform** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

*Amendment*

5. Without prejudice to paragraph 2, the **online marketplace** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. en

*Justification*

*Technical amendment*

**Amendment 1440  
Marion Walsmann**

**Proposal for a regulation  
Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 2, the **platform** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

*Amendment*

5. Without prejudice to paragraph 2, the **marketplace** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. en

**Amendment 1441  
Kosma Złotowski**

**Proposal for a regulation**  
**Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

*Amendment*

6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.  
***Where certain information may not be disclosed for privacy reasons, the online platform shall disclose the information in a way that is not detrimental to the trader's business operations. The online platform shall also provide effective means for the recipients of the service to enter in direct contact with the trader, whether through the information referred to in paragraph 1(b) or (c) or through any other electronic means made available by the online platform.***

Or. en

**Amendment 1442**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**  
**Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The online platform shall make the information referred to in points (a), (d), (e) **and (f)** of paragraph 1 available to the recipients of the service, **in a clear**, easily accessible and comprehensible manner.

*Amendment*

6. The online platform shall make the information referred to in points (a), (d), (e), **(f) and (g)** of paragraph 1 available to the recipients of the service, easily accessible **in accordance with Directive (EU) 2019/882, in a clear** and comprehensible manner.

Or. en

#### **Amendment 1443**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 6**

##### *Text proposed by the Commission*

6. The online **platform** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

##### *Amendment*

6. The **providers of online marketplaces** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

Or. en

#### **Amendment 1444**

**Marion Walsmann**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 6**

##### *Text proposed by the Commission*

6. The online **platform** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

##### *Amendment*

6. The online **marketplace** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

Or. en

#### **Amendment 1445**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 22 – paragraph 6**

##### *Text proposed by the Commission*

6. The online platform shall make the

##### *Amendment*

6. The online platform shall make the

information referred to in points (a), (d), (e) and (f) of paragraph 1 available *to the recipients of the service*, in a clear, easily accessible and comprehensible manner.

information referred to in points (a), (d), (e) and (f) of paragraph 1 **publicly** available, in a clear, easily accessible and comprehensible manner.

Or. en

**Amendment 1446**  
**Andrey Kovatchev**

**Proposal for a regulation**  
**Article 22 – paragraph 6 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Parts of the information may not be disclosed for privacy reasons. In these cases, the platform shall disclose the information in a way that is not detrimental to the trader's business operations. The online platform shall also provide effective means for the recipients of the service to enter in direct contact with the trader, through any electronic means, including those made available by the online platform.*

Or. en

**Amendment 1447**  
**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**  
**Article 22 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. In order to comply with paragraph 1 point (g), web shops shall inform close to the depicted goods if their goods are part of the stock or whether a manufacturer has to be found for them first. Online marketplaces shall provide third party sellers with a dropshipping*



*labelling tool, which they have to use if they want to be approved by the platform.*

Or. en

**Amendment 1448**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.** *deleted*

Or. en

*Justification*

*See new article*

**Amendment 1449**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

**Proposal for a regulation**

**Article 22 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.** *deleted*

Or. en

*Justification*

*moved to Article 22a*

**Amendment 1450**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 22 – paragraph 7**

*Text proposed by the Commission*

7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations ***regarding pre-contractual information and product safety information*** under applicable Union law.

*Amendment*

7. The online platform shall design and organise its online interface in a way that enables ***themselves and*** traders to comply with their obligations under applicable Union ***and Member State law on consumer protection, including on product safety. Traders that do not fulfil their obligations under consumer and product safety legislation should be suspended and, as a last resort, not allowed on the platform. The online platform shall not subvert or impair consumers' autonomy, decision-making, or choice via the structure, function or manner of operation of their online interface or a part thereof.***

Or. en

**Amendment 1451**

**Marion Walsmann**

**Proposal for a regulation**

**Article 22 – paragraph 7**

*Text proposed by the Commission*

7. The online ***platform*** shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

*Amendment*

7. The online ***marketplace*** shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

**Amendment 1452**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 22 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. The online platform may rely on the information provided by third party suppliers referred to in Article 6a point (b) Directive (EU) 2019/2161, unless the platform knows or ought to know, based on the available data regarding transactions on the platform, that this information is incorrect. Online platforms must take adequate measures to prevent traders from appearing on the platform as non-traders.**

**Amendment 1453**

**Kim Van Sparrentak, Alexandra Geese, Rasmus Andresen**

**Proposal for a regulation**

**Article 22 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Online platforms facilitating short-term holiday rentals must obtain registration numbers, licencing numbers or an equivalent if such a number is required for the offering of short-term holiday rentals by EU, national or local law and must publish this number in the offer.**

**Amendment 1454**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 22 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**7b. An online platform is liable for damages caused to consumers by a violation of its duties in this Article;**

Or. en

**Amendment 1455**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 22 – paragraph 7 c (new)**

*Text proposed by the Commission*

*Amendment*

**7c. The online platform must inform the consumer at the earliest possible point in time and immediately before the distance contract is concluded with a third-party provider in a prominent manner that the consumer is concluding a contract with the third party and not with the online platform. If the online platform violates its duty to provide information, the consumer can also assert the rights and legal remedies arising from the distance contract against the third party for non-performance against the online platform.**

Or. en

**Amendment 1456**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**  
**Article 22 – paragraph 7 d (new)**

*Text proposed by the Commission*

*Amendment*

**7d. If an online platform makes misleading information about third-party providers, about goods, services or digital content offered by third-party providers or about other provisions of the distance contract, the online platform is liable for the damage that these misleading information inflicts on consumers;**

Or. en

**Amendment 1457**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**  
**Article 22 – paragraph 7 e (new)**

*Text proposed by the Commission*

*Amendment*

**7e. An online platform is liable for guarantees, which it gives about third party supplier or about goods, services or digital content offered by third party supplier.**

Or. en

**Amendment 1458**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22a**

**Traceability of business customers**

**1. A provider of intermediary services**

*shall ensure that business customers can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the provider of intermediary services has obtained the following information:*

*(a) the name, address, telephone number and electronic mail address of the business customer;*

*(b) a copy of the identification document of the business customer or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;*

*(c) the bank account details of the business customer, where the business customer is a natural person;*

*(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;*

*(e) where the business customer is registered in a corporate or trade register or similar public register, the register in which the business customer is registered and its registration number or equivalent means of identification in that register;*

*(f) a self-certification by the business customer committing to only offer products or services that comply with the applicable rules of Union law.*

*2. The provider of intermediary services shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a),(d) and (e) of paragraph 1 is reliable through the use of any publicly accessible official online database or online interface made available by a Member States or the Union or through requests to the business customer to*

*provide supporting documents from reliable and independent sources.*

*3. The provider of intermediary services shall also verify that any person purporting to act on behalf of the business customer is so authorised and identify and verify the identity of that person.*

*4. Where the provider of intermediary services obtains indications, including through a notification by law enforcement agencies or other individuals with a legitimate interest, that any item of information referred to in paragraph 1 obtained from the business customer concerned is inaccurate, misleading, or incomplete, or otherwise invalid, that provider of an intermediary service shall request the business customer to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law. Where the business customer fails to correct or complete that information, the provider of intermediary services shall suspend the provision of its service to the business customer until the request is complied with.*

*5. The provider of intermediary services shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for a period of five years following the termination of their contractual relationship with the business customer concerned. They shall subsequently delete the information.*

*6. Providers of intermediary services shall apply the identification and verification measures not only to new business customers but they shall also update the information they hold on existing business customers on a risk-sensitive basis, and at least once a year, or when the relevant circumstances of a business customer change.*

*7. Without prejudice to paragraph 2, the provider of intermediary services shall*

*disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation, as well as pursuant to proceedings initiated under other relevant provisions of Union or national law.*

*8. The provider of intermediary provider of intermediary services shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.*

*9. The provider of intermediary services shall design and organise its online interface in a way that enables business customers to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.*

*10. The Digital Services Coordinator of establishment shall determine dissuasive financial penalties for non-compliance with any provision of this Article.*

Or. en

#### **Amendment 1459**

**Arba Kokalari, Marion Walsmann, Andrey Kovatchev, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera**

#### **Proposal for a regulation Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 22a*

*Obligation to inform consumers and authorities about illegal products and*



services

**1. Where an online platform allows consumers to conclude distance contracts with traders, it shall be subject to additional information obligations for consumers. Where the online platform becomes aware of the illegal nature of a product or services offered by a trader on its interface it shall:**

**(a) immediately remove the illegal product from its interface and inform relevant authorities about it;**

**(b) maintain an internal database of content removed and/or recipients suspended pursuant to Article 20 to be used by internal content moderation systems tackling the identified risks;**

**(c) where the online platform has the contact details of the recipients of its services, inform such recipients of the service that have purchased said product or service during the past twelve months about the illegality, the identity of the trader and options for seeking redress;**

**(d) compile and make publicly available through application programming interfaces a repository containing information about illegal products and services removed from its platform in the past six months along with information about the concerned trader and options for seeking redress.**

Or. en

*Justification*

*To strengthen consumer protection and prevent the dissemination of illegal products and services.*

**Amendment 1460  
Marion Walsmann**

**Proposal for a regulation  
Article 22 a (new)**

***Article 22a***

***Additional obligations of online marketplaces***

- 1. Where an online marketplace becomes aware of the illegal nature of a product or service offered by a trader on its interface it shall:***
  - (a) immediately remove the illegal product from its interface and inform the authorities about that;***
  - (b) maintain an internal database of content removed and/or recipients suspended pursuant to Article 20 to be used by internal content moderation systems tackling the identified risks;***
  - (c) where the online marketplace has the contact details of the recipients of its services, inform such recipients of the service that have purchased said product or service during the past twelve months about the illegality, the identity of the trader and options for seeking redress;***
  - (d) compile and make publicly available through application programming interfaces a repository containing information about illegal products and services removed from its platform in the past six months along with information about the concerned trader and options for seeking redress.***

Or. en

**Amendment 1461**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Marco Zullo, Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation  
Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22a**

**Compliance by design**

- 1. Providers of online marketplaces shall design and organise their online interface in a fair and user-friendly way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.**
- 2. The online interface shall allow traders to provide in particular the information referred to under paragraph 6 of Article 22, the information referred to in Article 6 of Directive 2011/83/EU on Consumers Rights, information allowing for the unequivocal identification of the product or the service, and, where applicable, information on sustainability of products, information on labelling, including CE marking, according to the Union legislation on product safety and compliance.**
- 3. This Article is without prejudice to additional requirements under other Union acts, including the [General Product Safety Regulation] and [Market Surveillance Regulation]**

Or. en

**Amendment 1462**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22a**

### *Compliance by design*

- 1. Providers of online marketplaces shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.*
- 2. The online interface shall allow traders to provide at least the information necessary for the unequivocal identification of the products or the services offered, and, where applicable, the information concerning the labelling in compliance with rules of applicable Union law on product safety and product compliance.*
- 3. This Article is without prejudice to additional requirements under other Union acts, including the [General Product Safety Regulation] and [Market Surveillance Regulation]*

Or. en

### *Justification*

*While the rules for products themselves are set down in the GPSR and in the NLF acts, if a marketplaces can use its interface to make it easier for traders to show compliance they should do so.*

### **Amendment 1463**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

### **Proposal for a regulation Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

### *Article 22a*

*Duty to protect recipients of the service  
Operators of online platforms allowing consumers to conclude distance contracts with traders or consumers, or of very*

*large online platforms according to Article 25, who fail to take adequate measures for the protection of the recipients of the service upon obtaining credible evidence of criminal conduct of a recipient of the service to the detriment of other recipients or evidence of the illegality of a certain product, service, commercial practice or advertising method of a third party supplier, shall be held liable for the damages caused resulting from such a failure.*

Or. en

**Amendment 1464**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 22a*

*Transparency for sustainable  
consumption*

*Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that it provides consumers in a clear and unambiguous manner and in real time with information on the environmental impact of its products and services, such as the use of sustainable and efficient delivery methods, sustainable and ecological packaging, as well as the environmental costs of returning goods in the event of withdrawal.*

Or. en

**Amendment 1465**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe**

**Proposal for a regulation  
Article 22 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22b**

***Additional provisions for  
onlinemarketplaces related to illegal  
offers***

- 1. The providers of online marketplaces shall take adequate measures in order to prevent the dissemination by traders using their service for offers for a product or a service, which do not comply with Union law.***
- 2. Where the providers of online marketplaces obtain indication including on the elements listed in points (a) and (b) of paragraph 2 of Article 14, and according to which an item of information referred to in Article 22a is inaccurate, the providers of online marketplaces shall request the trader to give evidence of the accuracy of that item of information or to correct it, without delay. Where traders fail to comply with such request, the providers of online marketplaces shall suspend traders' offer pending compliance with the request.***
- 3. Before the trader's offer is made available on the online marketplaces, the providers of online marketplaces shall make their best efforts to assess, whether traders have provided the information referred to in paragraphs 1 and 2 of Article 22a, and whether the offer to consumers located in the Union is on the list, or the lists, of products or categories of products classified as non compliant, according to any freely accessible official online database or online interface, or through direct requests to the trader to provide supporting documents from reliable sources . The providers of online***

*marketplaces shall not authorise the trader to provide the offer online in case of non-compliance.*

*4. Where notified by market surveillance or customs authorities about the illegality of traders offer according to applicable law on product safety, the providers of online marketplaces shall remove the offers or disable access to them without delay and inform the respective traders and competent authorities.*

*5. The providers of online marketplaces shall demonstrate their best efforts to take effective and proportionate measures to prevent offers of counterfeit products as well as to prevent the reappearance of offers of previously notified and removed counterfeit products. To that end, providers of online marketplaces shall take into account the information received in accordance with Article 14 in the context of any content moderation system aiming at preventing reappearance, detecting, identifying, removing or disabling access to dangerous products offered on their marketplace. The measures referred to in this paragraph shall not lead to general monitoring as provided for in Article 7.*

*6. The providers of online marketplaces shall suspend without undue delay the provision of their services to traders that provide repeatedly illegal offers for a product or a service. They shall notify immediately its decision to the trader and competent authorities.*

*7. Where the providers of online marketplaces become aware, irrespective of the means used to, of the illegal nature of a product or service offered through their services, they shall inform without undue delay the recipients of the service that had acquired such product or contracted such services, about the illegality, the identity of the trader and any means of redress. Where the provider*

*of the online marketplace does not have the contact details of the recipients of the service, the provider shall make publicly available and easily accessible on their online interface the information concerning the illegal products or services removed, the identity of the trader and any means of redress.*

*8. The providers of online marketplaces shall be entitled to right to redress towards the traders failing to comply with their obligations towards the online marketplaces or consumers. Consumers shall be entitled to right to redress towards the providers of online marketplaces for the failure of the latter to comply with the obligations under Articles 22, 22a and 22 b.*

Or. en

#### **Amendment 1466**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Article 22 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 22b*

#### *Right to information*

*1. Where a provider of an online marketplace becomes aware, irrespective of the means used to, of the illegal nature of a product or service offered through its services, it shall inform, wherever possible, those recipients of the service that had acquired such product or contracted such service during the last six months about the illegality, the identity of the trader and any means of redress.*

*2. Where the provider of the online marketplace does not have the contact*



*details of the recipients of the service referred to in paragraph 1, the provider shall make publicly available and easily accessible on their online interface the information concerning the illegal products or services removed, the identity of the trader and any means of redress.*

Or. en

*Justification*

*While the rules for products themselves are set down in the GPSR and in the NLF acts, if a marketplace becomes aware that a product that was sold is illegal and it has the ability to inform those who purchase it of this information, they should do so.*

**Amendment 1467**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 23 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed;*

Or. en

**Amendment 1468**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 23 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

**(ab) a list of all trusted flaggers and their area of expertise;**

Or. en

**Amendment 1469**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 23 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of ***manifestly*** illegal content, the submission of ***manifestly*** unfounded notices and the submission of ***manifestly*** unfounded complaints;

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of illegal content, the submission of unfounded notices and the submission of unfounded complaints;

Or. en

**Amendment 1470**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 23 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, ***indicators of the accuracy of the automated means in fulfilling those purposes*** and any safeguards applied.

(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, and any safeguards applied.

Or. en

**Amendment 1471**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 23 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.

*Amendment*

(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied, ***including human review.***

Or. en

**Amendment 1472**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 23 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the number of advertisements that were removed, labelled or disabled by the online platform and justification of the decisions;***

Or. en

**Amendment 1473**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall **publish**, at least once every **six** months, information on the average monthly active recipients of the service in **each Member State**, calculated as an average over the period of the past **six** months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

*Amendment*

2. Online platforms shall **communicate to the Digital Services Coordinator of establishment**, at least once every **twelve** months, information on the average monthly active recipients of the service in **the Union**, calculated as an average over the period of the past **twelve** months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

Or. en

*Justification*

*To protect trade secrets and limit disproportionate administrative obligations on online platforms.*

**Amendment 1474**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall publish, at least once every **six** months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past **six** months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

*Amendment*

2. Online platforms shall publish, at least once every **twelve** months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past **twelve** months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

Or. en

**Amendment 1475**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall publish, at least once every six months, information on the average monthly active **recipients** of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

*Amendment*

2. Online platforms shall publish, at least once every six months, information on the average monthly active **end users** of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

Or. en

**Amendment 1476**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 23 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall refrain from imposing additional transparency reporting obligations on the online platforms, other than specific requests in the context of exercising their supervisory powers.**

Or. en

*Justification*

*To prevent fragmentation of the internal market.*

**Amendment 1477**

**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

**Proposal for a regulation**  
**Article 23 – paragraph 3**

*Text proposed by the Commission*

3. Les plateformes en ligne communiquent **au coordinateur de l'État membre d'établissement** pour les services numériques, à **sa** demande, les informations visées au paragraphe 2, mises à jour jusqu'au moment de la demande. **Le coordinateur** pour les services numériques **peut** demander à la plateforme en ligne de fournir des informations complémentaires concernant le calcul visé dans ce paragraphe, y compris des explications et des justifications quant aux données utilisées. Ces informations ne contiennent pas de données à caractère personnel.

*Amendment*

3. Les plateformes en ligne communiquent **aux coordinateurs des États membres** pour les services numériques, à **leur** demande, les informations visées au paragraphe 2, mises à jour jusqu'au moment de la demande. **Les coordinateurs** pour les services numériques **peuvent** demander à la plateforme en ligne de fournir des informations complémentaires concernant le calcul visé dans ce paragraphe, y compris des explications et des justifications quant aux données utilisées. Ces informations ne contiennent pas de données à caractère personnel.

Or. fr

**Amendment 1478**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 23 – paragraph 4**

*Text proposed by the Commission*

4. The Commission **may** adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

*Amendment*

4. The Commission **shall** adopt implementing acts to **establish a set of key performance indicators and** lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

Or. en

**Amendment 1479**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**  
**Article 23 – paragraph 4**

*Text proposed by the Commission*

4. The Commission **may** adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

*Amendment*

4. The Commission **shall** adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

Or. en

*Justification*

*reports are only comparable if they found the same form and content.*

**Amendment 1480**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 23 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Where published to the general public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions.**

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

**Amendment 1481**  
**Róża Thun und Hohenstein**

**Proposal for a regulation**  
**Article 23 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 23a**

***Online advertising and recommender systems***

***1. Online platforms that use recommender systems and systems for selecting and displaying advertisements shall set out in an easily accessible place in their online interface in a clear, accessible and easily comprehensible manner, relevant information on the functioning of these systems, in particular their parameters.***

***2. The parameters referred to in paragraph 3 shall include at least:***

***a) the criteria used by relevant systems,***

***b) the indication of the importance that specific criteria have for outputs produced by relevant systems,***

***c) the optimisation goals of relevant systems, if applicable, a list of categories of personal data taken into account by relevant systems, sources of this data, and an explanation of the role that the behaviour of the recipients of the service plays in how relevant systems produce their outputs, in the case of very large online platforms, the summary of risk assessments referred to in Article 26 and the description of mitigation measures referred to in Article 27.***

Or. en

**Amendment 1482**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 24 – title**



*Text proposed by the Commission*

*Amendment*

Online advertising *transparency*

*Transparency of* online advertising *and suggested content*

Or. en

**Amendment 1483**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 24 – title**

*Text proposed by the Commission*

*Amendment*

Online advertising transparency

Online advertising transparency *and control*

Or. en

**Amendment 1484**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 24 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:*

*deleted*

*(a) that the information displayed is an advertisement;*

*(b) the natural or legal person on whose behalf the advertisement is displayed;*

*(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.*

Or. en

**Amendment 1485**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:

*Amendment*

Online platforms that display advertising on their online interfaces, ***per default it shall not be based on profiling unless users genuinely opt-in, in line with the requirements established under Regulation (EU) 2016/679. Online platforms shall not subvert or impair consumers' autonomy, decision-making, or choice via the structure, function or manner of operation of their online interface or any part thereof. In addition online platforms*** shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:

Or. en

**Amendment 1486**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) that the information displayed is an advertisement;

*Amendment*

(a) that the information displayed ***on the interface or parts thereof*** is an ***online*** advertisement, ***including through***

*prominent and harmonised marking;*

Or. en

**Amendment 1487**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 24 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) that the information displayed is an advertisement;

*Amendment*

(a) that the information displayed ***on the interface or parts thereof*** is an ***online*** advertisement, ***including through prominent and harmonised marking;***

Or. en

**Amendment 1488**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 24 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

(b) the natural or legal person on whose behalf the advertisement is displayed ***and the natural or legal person who finances the advertisement;***

Or. en

**Amendment 1489**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 24 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

(b) the natural or legal person on whose behalf the advertisement is displayed ***and the natural or legal person who financed the advertisement;***

Or. en

**Amendment 1490**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 24 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

(b) the natural or legal person on whose behalf the advertisement is displayed ***and the natural or legal person who finances the advertisement;***

Or. en

*Justification*

*A key element of greater advertising transparency is knowing what natural, or legal, person is financing the advertisement. This would help recipients understand why they are being shown certain advertisements and allow researchers to analyse whether specific proxies or nominee accounts are used to fund platforms and hide the actual beneficiary of the advertisement.*

**Amendment 1491**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 24 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) identifier la personne physique ou morale pour le compte de laquelle la publicité est affichée;

*Amendment*

(b) identifier la personne physique ou morale pour le compte de laquelle la publicité est affichée, ***ainsi que sa nationalité;***

**Amendment 1492**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) meaningful information about the **main** parameters used to determine the recipient to whom the advertisement is displayed.

*Amendment*

(c) **if an advertisement is targeted specifically to them**, meaningful information about the parameters used to determine the recipient to whom the advertisement is displayed, **including, where applicable, the targeting criteria and the optimisation goal selected by the advertiser;**

Or. en

**Amendment 1493**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.

*Amendment*

(c) **clear**, meaningful **and uniform** information about the main parameters used to determine the recipient to whom the advertisement is displayed **and the logic involved;**

Or. en

**Amendment 1494**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.

*Amendment*

(c) **clear**, meaningful **and uniform** information about the main parameters used to determine the recipient to whom the advertisement is displayed **and the logic involved**.

Or. en

**Amendment 1495**  
**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) meaningful information about the main parameters used to determine **the recipient to whom the advertisement is** displayed.

*Amendment*

(c) meaningful information about the main parameters used **in general** to determine **which advertisements are** displayed **to them on the respective online platform**.

Or. en

**Amendment 1496**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) meaningful information about the **main** parameters used to determine the recipient to whom the advertisement is displayed.

*Amendment*

(c) **clear**, meaningful **and uniform** information about the parameters used to determine the recipient to whom the advertisement is displayed

Or. en

**Amendment 1497**  
**Marco Zullo**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the possibility to view the personal information held by the platform that led to being identified as the recipient of the advertising;*

*(cb) the possibility of being able to modify the options necessary to continue or not to be identified as the recipient of the advertisement.*

Or. en

**Amendment 1498**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) if the online platform uses automated systems to determine the recipients of the service to whom the advertisement shall be displayed, meaningful information about the reasons why a given advertisement has been deemed relevant for a specific recipient of the service;*

Or. en

**Amendment 1499**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 24 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Special attention shall be given to recipients of the service who are minors. When advertising is addressed to minors, online platforms shall indicate in a clear, easy and unambiguous manner that such advertising targets this group of recipients.***

Or. en

**Amendment 1500**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***By way of derogation from Regulation 2016/679, providers shall not avail themselves of consent as a legal ground for processing of personal data in order to target natural persons for purposes of digital advertising.***

Or. en

**Amendment 1501**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) A provider shall not allow any post which the provider knows to be false or misleading with the objective to promote the selling or supply that results from the publication or display being made.***



**Amendment 1502**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) if the advertisement was displayed using an automated tool and the identity of the person responsible for that tool;***

Or. en

**Amendment 1503**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) contracted amount of payment for online advertising expressed in euros if it is a paid advertisement.***

Or. en

**Amendment 1504**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) if applicable, information on the use of pre-defined lists and the categories, the source of personal data uploaded to the online platform as well as the legal basis for uploading this personal data***

*pursuant to Regulation (EU) 2016/679, as well as information on the use of targeting methods aimed at displaying an advertisement to recipients who are similar to a specific group together with meaningful information on the reasons why such similarity was established.*

Or. en

**Amendment 1505**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The online platform shall design and organise its online interface in such a way that recipients of the service can easily and efficiently exercise their rights under applicable Union law in relation to the processing of their personal data for each specific advertisement displayed to the data subject on the platform, in particular:*

- (a) to withdraw consent or to object to processing;*
- (b) to obtain access to the personal data concerning the data subject;*
- (c) to obtain rectification of inaccurate personal data concerning the data subject;*
- (d) to obtain erasure of personal data without undue delay;*

*Where a recipient exercises any of these rights, the online platform must inform any parties to whom the personal data concerned in points (a)-(d) have been enclosed in accordance with Article 19 of Regulation (EU) 2016/679.*

**Amendment 1506**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Without prejudice to other Union acts, online platforms that display user-generated content that may include sponsored information or other information equivalent to advertising, which is normally provided against remuneration, shall including in their terms and conditions an obligation for the recipients of their service to inform other recipients of when they have received remuneration or any other goods in kind for their content. A failure to inform the platform or other recipients shall constitute a violation of the provider's terms and conditions.***

Or. en

*Justification*

*While covered by other Union law in addition to this regulation, it is important to connect this to the rules on terms and conditions within this regulation in order to give a grounds for further enforcement of these rules.*

**Amendment 1507**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Online platforms or advertising service providers that play out advertisements shall also check the accuracy of the information about the advertiser in accordance with the due diligence obligations pursuant to Article 22. If there are indications of dubious offers - in the case of obviousness, user reports and web shops "blacklisted" on warning lists - platforms or the advertising service providers behind them may not display the advertising.***

Or. en

**Amendment 1508  
Róza Thun und Hohenstein**

**Proposal for a regulation  
Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Very large online platforms that suggest content to which the recipients of the service have not explicitly subscribed shall ensure that the recipients of the service can identify, for each specific suggestion, in a clear and unambiguous manner and in real time, meaningful information about the criteria used to suggest this content to the recipient, including, where applicable, personal data of the recipient taken into account.***

Or. en

**Amendment 1509  
David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Eva Kaili, Alex Agius Saliba, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**2. The profiling of children for commercial purposes, including targeted or personalised advertising, is prohibited in compliance with the industry-standards laid down in Article 34 and Regulation (EU) 2016/679.**

Or. en

**Amendment 1510**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**2. Online platforms shall provide information mentioned in paragraph 1 to public authorities, upon their request, in order to determine accountability in case of false or misleading advertisement.**

Or. en

**Amendment 1511**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**The Commission shall adopt an implementing act establishing harmonised specifications for the marking referred to in paragraph 1(a) of this Article.**

**Amendment 1512**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róża Thun und Hohenstein, Tomislav Sokol, Ivan Štefanec, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 24 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**3. Providers of intermediary services shall obtain consent from the recipients of their service, in order to provide them with microtargeted and behavioural advertisement. Providers of intermediary services shall ensure that recipients of services can easily make an informed choice when expressing their consent by providing them with meaningful information.**

Or. en

**Amendment 1513**

**Sandro Gozi, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 24 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**Where a recipient exercises any of the rights referred to points (a), (c) or (d) in paragraph 2, the online platform must immediately cease displaying advertisements using the personal data concerned or using parameters which were set using this data.**

Or. en

**Amendment 1514**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 24 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Providers of intermediary services shall inform the natural or legal person on whose behalf the advertisement is displayed where the advertisement has been displayed.***

Or. en

**Amendment 1515**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 24 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***Online platforms that display advertising on their online interfaces shall ensure that advertisers:***

- (a) can request and obtain information on where their advertisements have been placed;***
- (b) can request and obtain information on which broker treated their data;***
- (c) can indicate on which specific location their ads cannot be placed. In case of non-compliance with this provision, advertisers shall have the right to judicial redress.***

Or. en

**Amendment 1516**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe**

**Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

**Proposal for a regulation  
Article 24 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt an implementing act establishing harmonised specifications for the marking referred to in paragraph 1(a) of this Article.***

Or. en

**Amendment 1517  
Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation  
Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 24a***

***Recommender systems - prominence of public journalism***

***1. Online platforms shall ensure due prominence of public interest journalism on their services. Services that cater to special interests may be exempted from this obligation. Appropriate prominence measures should include the use of technical standards established in a participatory and transparent manner in order to identify media outlets and entities operating according to the highest, internationally recognized professional norms to produce reliable and accurate information.***

***2. Providers of public interest journalism shall be identified through voluntary, self-regulatory European standards or European standardization deliverables as defined by Regulation (EU) No. 1025/2012 ('technical standards'), which are transparently developed, governed and enforced. Any of***



*those standards shall be based on internationally accepted best-practices and ethical norms to serve as legitimate criteria to implement the due prominence obligation. The application of these technical standards must be attributed and disclosed by and to all parties involved.*

*3. Appropriate measures as per this provision shall not discriminate on the basis of content or viewpoint. Intermediaries shall not treat non-compliance with or non-usage of such technical standards as a reason to exclude, downrank, demote or otherwise actively affect the visibility or monetization of content in a negative way. In order to demonstrate compliance with their duty to ensure due prominence for public interest journalism on their services, online intermediaries shall establish mandatory transparent mechanisms and metrics of indexation, regarding the discoverability and visibility in search ranks, news feeds and products, including the provision of data and information on prioritization, personalization, and recommendation algorithms, audits and complaints in an accountable manner.*

*4. A Digital Services Coordinator shall monitor and assess if appropriate measures adopted by online intermediaries under this article are sufficient to contribute to media pluralism and diversity in their respective national markets. To this end, the Digital Services Coordinator should rely on self-regulatory and co-regulatory mechanisms.*

*5. Recipients of services shall always have a clear and easily accessible choice to optout of the appropriate measures designed to ensure due prominence to public interest journalism.*

Or. en

## **Amendment 1518**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 24a*

##### *Recommender systems*

- 1. Online platforms that use recommender systems or any other system used to select and determine the order of presentation of content shall set out in their terms and conditions, in a clear, accessible and easily comprehensible format, the parameters used in their recommender systems, as well as the options provided to the recipients of the service to select or modify those parameters.*
- 2. The parameters referred to in paragraph 1 shall include at least the following information:*
  - (a) the criteria and logic used by the recommender systems, including input data and performance metrics;*
  - (b) how these criteria are weighted against each other;*
  - (c) the optimisation goal of the recommender systems;*
  - (d) an explanation of how the behaviour of the recipients of the service may impact the functioning and outputs of the recommender systems.*
- 3. Online platforms shall provide options for the recipients of the service to access their profile to select and modify the parameters of the relevant recommender system, including at least one option which is not based on profiling within the meaning of Article 4 (4) of*

**Regulation (EU) 2016/679 and which is activated by default.**

Or. en

*Justification*

*Additional article to distinguish it from the obligations on recommender systems for VLOPs in Article 29. Recommender systems shape what end users see on platforms. However, platforms provide very little information on the systems they use, and how they work in practice. This lack of information is alarming because it means that the influence these systems have over users' access to different types of content, and their potential to promote certain types of problematic content to certain users, or to hide entirely legitimate content or conversations cannot be properly examined.*

**Amendment 1519**

**Andreas Schieder, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24a**

***Prevention measures against online fraud on platforms***

***Member States shall promote preventive measures to reduce consumer harm caused by illegal advertising and sales practices on platforms. This includes, among other things, the establishment of information platforms that publish daily warnings about current online traps. Such initiatives are linked Union-wide via a network, financed by the Commission and supported by an EU coordinator. Host providers provide clearly visible links to these prevention pages.***

Or. en

**Amendment 1520**

**Maria Grapini, Christel Schaldemose, Andreas Schieder, Marc Angel, Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24a**

**Right to information**

**1. Where an online platform becomes aware, irrespective of the means used to, of the illegal nature of a product or service offered through its services, it shall inform those recipients of the service that had acquired such product or contracted such service during the last six months about the illegality, the identity of the trader and any means of redress.**

Or. en

*Justification*

*Consumers should have the right to know if the product they have purchased is not genuine, and more informed consumers are better equipped to resist future rogue trading attempts.*

**Amendment 1521**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 24 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24b**

***Additional obligations for platforms primarily used for the dissemination of user-generated pornographic content***

***Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure***

***(a) that users who disseminate content***

*have verified themselves through a double opt-in e-mail and cell phone registration;*

*(b) professional human content moderation in line with Article 14 paragraph 6 d (new) and trained to identify image-based sexual abuse, where content having a high probability of being illegal;*

*(c) the accessibility of a qualified notification procedure in the form that additionally to the mechanism referred to in Article 14 and respecting the same principles with the exception of paragraph 5 a(new), individuals may notify the platform with the claim that image material depicting them or purporting to be depicting them is being disseminated without their consent and supply the platform with prima facie evidence of their physical identity; content notified through this procedure is to be considered manifestly illegal in terms of Article 14 paragraph 6 a (new) and to be suspended without undue delay and at latest within 48 hours.*

Or. en

**Amendment 1522**

**Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**

**Article 24 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24b**

**Transparency on algorithm modifications**

**1. Providers of online platforms shall be transparent about changes in their referencing and recommendation rules, even if made on an experimental basis, and shall immediately inform the regulators, their users and the authors of referenced content, allowing these**

*changes to be foreseen by those affected by them.*

*2. Users may refer to the regulator to ask it to give its opinion on the negative impact of changes to the referencing and recommendation rules, so that it can require the platform to remedy this impact.*

Or. en

**Amendment 1523**  
**Marco Zullo**

**Proposal for a regulation**  
**Article 24 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24b**

***For a more transparent and safe online environment***

***When using a digital service the recipient of the service is interacting with a chatbot, it must be clearly stated that the communication is not with a human being but with a bot.***

Or. en

*Justification*

*The lack of clarity in the use of so-called chatbots is able to cause forms of discomfort in some categories of particularly vulnerable people. There are precedents in which some influencers have chosen to entrust communication with their audience of young and very young people using bots with a misleading language, acting on the emotionality of its user and mixing reality and fiction for commercial purposes.*

**Amendment 1524**  
**Marco Zullo**

**Proposal for a regulation**  
**Article 24 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24c**

***For a more transparent and safe online environment***

***The online platforms must provide access to the chronology in order to allow the verification of any changes made to the contents ex post, with regard to what is published by the recipient of the service.***

Or. en

*Justification*

*Being able to know how a content has changed over time can help to: (a) limit the spread of fake news that use the technique of attracting consensus on a real-content and then change it to fake-content when the rating has grown ; (b) limit misleading communications about products sold on online platforms by increasing the price compared to the real one only to bring up a higher discount percentage for the sale at a given time.*

**Amendment 1525**

**Ramona Strugariu, Vlad-Marius Botoș**

**Proposal for a regulation**

**Article 24 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24c**

**Neutrality**

***Very large online platforms are subject to an obligation of political, ideological or religious neutrality, and may not promote political parties, opinions, or ideas.***

Or. en

**Amendment 1526**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**  
**Chapter III – Section 4 – title**

*Text proposed by the Commission*

*Amendment*

4Additional obligations for very large online platforms to manage systemic risks

Additional obligations for very large online platforms, *live streaming platforms, private messaging providers and search engines* to manage systemic risks

Or. en

**Amendment 1527**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 25 – title**

*Text proposed by the Commission*

*Amendment*

Very large online platforms

Very large online platforms, *live streaming platforms, private messaging providers and search engines*

Or. en

**Amendment 1528**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**  
**Article 25 – title**

*Text proposed by the Commission*

*Amendment*

Very large online platforms

Very large online platforms, *live streaming platforms, private messaging providers and search engines*

Or. en

**Amendment 1529**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle**



**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

*Amendment*

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3. ***This Section shall not apply to online platforms that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendation 2003/361/EC. In addition, this Section shall not apply to enterprises that previously qualified for the status of a micro, small or medium-sized enterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.***

Or. en

**Amendment 1530**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. La présente section s'applique aux plateformes en ligne fournissant leurs services à un nombre mensuel moyen de bénéficiaires ***actifs*** du service au sein de l'Union égal ou supérieur à 45 millions, calculé conformément à la méthodologie établie dans les actes délégués visés au paragraphe 3.

*Amendment*

1. La présente section s'applique aux plateformes en ligne fournissant leurs services à un nombre mensuel moyen de bénéficiaires du service au sein de l'Union égal ou supérieur à 45 millions, calculé conformément à la méthodologie établie dans les actes délégués visés au paragraphe 3 ***et dont le chiffre d'affaires annuel mondial est égal ou supérieur à 100***

*millions d'euros.*

Or. fr

*Justification*

*La notion d'« utilisateur actif » n'existe pas, n'est pas définie dans le texte, et certaines plateformes ne peuvent définir une activité.*

**Amendment 1531**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. This Section shall apply to online **platforms** which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

*Amendment*

1. This Section shall apply to online **platform services, live streaming platform services, private messaging services and search engine services** which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

**Amendment 1532**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. This Section shall apply to online **platforms** which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in

*Amendment*

1. This Section shall apply to online **platform services, live streaming platform services, private messaging services and search engine services** which provide their services to a number of average monthly active recipients of the service in the Union

the delegated acts referred to in paragraph 3.

equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

#### **Amendment 1533**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 25 – paragraph 1**

##### *Text proposed by the Commission*

1. This Section shall apply to online platforms which provide their services to a number of average monthly active **recipients** of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

##### *Amendment*

1. This Section shall apply to online platforms which provide **for at least four consecutive months** their services to a number of average monthly active **end users** of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

#### **Amendment 1534**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 25 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

**1a. This section shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content**

*between the members of the organised distribution framework and their suppliers.*

Or. en

### **Amendment 1535**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 25 – paragraph 3**

##### *Text proposed by the Commission*

3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active **recipients** of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active **recipients** of the service in the Union, taking into account different accessibility features.

##### *Amendment*

3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active **end users** of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active **end users** of the service in the Union, taking into account different accessibility features.

Or. en

### **Amendment 1536**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 25 – paragraph 3**

##### *Text proposed by the Commission*

3. La Commission adopte, conformément à l'article 69 et après avoir consulté le Comité, des actes délégués visant à établir une méthodologie spécifique pour calculer le nombre mensuel moyen de bénéficiaires **actifs** du service au sein de l'Union aux fins du paragraphe 1.

##### *Amendment*

3. La Commission adopte, conformément à l'article 69 et après avoir consulté le Comité, des actes délégués visant à établir une méthodologie spécifique pour calculer le nombre mensuel moyen de bénéficiaires du service au sein de l'Union aux fins du paragraphe 1. La

La méthodologie précise notamment la manière de déterminer la population de l'Union et les critères à utiliser pour déterminer la moyenne mensuelle de bénéficiaires actifs du service au sein de l'Union, en tenant compte de différentes caractéristiques d'accessibilité.

méthodologie précise notamment la manière de déterminer la population de l'Union et les critères à utiliser pour déterminer la moyenne mensuelle de bénéficiaires actifs du service au sein de l'Union, en tenant compte de différentes caractéristiques d'accessibilité.

Or. fr

#### **Amendment 1537**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 25 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Such a methodology shall ensure the following in relations to active recipients:***

***(1) automated interactions, accounts or data scans by a non-human (“bots”) are not included;***

***(2) that the mere viewing of a service without purchase, logging in or otherwise active identification of a recipient shall not be seen as an active recipient;***

***(3) that the number shall be based on each service individually;***

***(4) that recipients connected on multiple devices are counted only once;***

***(5) that indirect use of service, via a third party or linking, shall not be counted;***

***(6) where an online platform is hosted by another provider of intermediary services, that the active recipients are assigned solely to the online platform closest to the recipient;***

***(7) the average number is maintained for a period of at least six months.***

Or. en

*Justification*

*The minimum standards for defining the methodology should be set down in the legislation.*

**Amendment 1538**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 25 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active *recipients* of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.

*Amendment*

The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active *end users* of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.

Or. en

**Amendment 1539**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 25 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. After receiving the decision about the designation as a very large online platform, the online platform may appeal this decision before the Digital Services Coordinator issuing the designation within 60 days. The Digital Services Coordinator may consult the Board. The***

*Digital Services Coordinator shall especially consider the following information while assessing the appeal:*

- a) the type of content usually shared and the type of the active end user on a given online platform;*
- b) the exposure to the illegal content as reported under Article 23 and measures taken to mitigate the risks by the online platform; and*
- c) the exposure to the systemic risks as referred to in Article 26.*

*The Digital Services Coordinator shall decide on the appeal within 60 days. The Digital Services Coordinator may repeatedly initiate this procedure when deemed necessary, after accepting the appeal.*

Or. en

**Amendment 1540**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 25 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4 bis. Zeer grote sociale onlineplatforms zijn een subcategorie van zeer grote onlineplatforms, die mensen hoofdzakelijk gebruiken om een sociaal netwerk en sociale relaties uit te bouwen.*

Or. nl

**Amendment 1541**  
**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

**Proposal for a regulation**  
**Article 25 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b.** *The Digital Services Coordinator of establishment may request any online platform to submit a report assessing the dissemination of illegal content through their services, when justified by the information provided in the report submitted in accordance with Article 23. If, after thorough assessment, the Digital Services Coordinator has identified the platform in question as posing significant systemic risks stemming from dissemination of illegal content through their services in the Union, the Digital Services Coordinator may then require proportionate compliance with some or all obligations of Articles 26 to 37.*

Or. en

**Amendment 1542**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 25 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c.** *The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down specific methodology for the purpose of paragraph 4a and 4b.*

Or. en

**Amendment 1543**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 25 a (new)**



*Text proposed by the Commission*

*Amendment*

**Article 25a**

***Legal representatives of very large online platforms***

***Very large online platforms shall establish one point of contact in each Member State and ensure that it is accessible for recipients of the service in at least one of the official languages of that Member State.***

Or. en

**Amendment 1544**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

***Risk*** assessment

***Impact*** assessment

Or. en

**Amendment 1545**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any ***significant*** systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), ***on an ongoing basis and*** at least once a year thereafter, ***the probability and severity of*** any systemic risks stemming from the ***design, intrinsic characteristics,***

their services and shall include the following systemic risks:

functioning and use made of their services in the Union. ***The risk assessment shall be broken down per Member State in which services are offered and in the Union as a whole.*** This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

#### **Amendment 1546**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Les très grandes plateformes en ligne recensent, analysent et évaluent, à compter de la date d'application visée au second alinéa de l'article 25, paragraphe 4, puis au moins une fois par an, tout risque systémique important trouvant son origine dans le fonctionnement et l'utilisation faite de leurs services au sein de l'Union. Cette évaluation des risques est spécifique à leurs services et comprend les risques systémiques suivants:

##### *Amendment*

1. Les très grandes plateformes en ligne recensent, analysent et évaluent ***en collaboration avec la Commission***, à compter de la date d'application visée au second alinéa de l'article 25, paragraphe 4, puis au moins une fois par an, tout risque systémique important trouvant son origine dans le fonctionnement et l'utilisation faite de leurs services au sein de l'Union. Cette évaluation des risques est spécifique à leurs services et comprend les risques systémiques suivants, ***y compris lorsqu'ils résultent d'une action volontaire de la plateforme sur son modèle technologique, social ou économique*** :

Or. fr

#### **Amendment 1547**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Very large online platforms shall

##### *Amendment*

1. Very large online platforms shall

identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union ***and shall submit a report of that risk assessment to the national competent authority of the Member State in which their legal representative is established.*** This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

#### **Amendment 1548**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Very large online ***platforms*** shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

##### *Amendment*

1. Very large online ***platform services, live streaming platform services, private messaging services and search engine services*** shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

#### **Amendment 1549**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any **significant** systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any systemic risks stemming from the **design**, functioning and use made of their services in the Union. This risk assessment shall be specific to their services and **activities, including technology design, value chain and business-model choices, and** shall include the following systemic risks:

Or. en

**Amendment 1550**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Katalin Cseh**

**Proposal for a regulation**

**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), **at least once a year thereafter**, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), **on an ongoing basis, the probability and severity of** any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

**Amendment 1551**

**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, **any significant** systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, **probability and severity of** systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

**Amendment 1552**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the **functioning and use made of** their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the **dissemination of illegal content on** their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

*Justification*

*To clarify limitation of obligations to illegal content.*

**Amendment 1553**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, **any significant systemic risks stemming from** the functioning and use made of their services in the Union. **This risk** assessment shall be specific to their services and shall include the following **systemic risks**:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, **the impact of** the functioning and use made of their services in the Union **on fundamental rights, including article 38 of the Charter of Fundamental Rights of the European Union and on ensuring a high level of consumer protection. This impact** assessment shall be specific to their services and shall include the following **adverse impacts**:

Or. en

**Amendment 1554**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any **significant** systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

#### **Amendment 1555**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination of illegal content ***and content that is in breach of their terms and conditions*** through their services, ***including unsafe and non-compliant products and services, in case of online marketplaces***;

Or. en

#### **Amendment 1556**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination of illegal content ***and content that is in breach of their terms and conditions*** through their services,

Or. en

#### *Justification*

*Risks come not only from illegal content, but also content that is not allowed under the terms and conditions of the service.*

#### **Amendment 1557**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination **and amplification** of illegal content through their services;

Or. en

**Amendment 1558**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination of **manifestly** illegal content through their services;

Or. en

**Amendment 1559**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) la diffusion de contenus **illicites** par l'intermédiaire de leurs services;

*Amendment*

(a) la diffusion de contenus **illégaux** par l'intermédiaire de leurs services;

Or. fr

**Amendment 1560**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point a a (new)**



*Text proposed by the Commission*

*Amendment*

***(aa) the funding of illegal content, including models based on advertisement;***

Or. en

**Amendment 1561**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) the funding of illegal content, including models based on advertisement***

Or. en

**Amendment 1562**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

(b) any negative effects for the exercise of the fundamental rights to respect for ***human dignity***, private and family life, freedom of expression and information ***incuding the freedom and pluralism of the media, freedom of the art and science and the right to education***, the prohibition of discrimination and the rights of the child, as enshrined in Articles 1, 7, 11, 13, 14, 21 and 24 of the Charter respectively;

Or. en

### Amendment 1563

Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoș Pîslaru, Katalin Cseh

#### Proposal for a regulation

##### Article 26 – paragraph 1 – point b

###### *Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

###### *Amendment*

(b) any negative effects for the exercise of ***any of the fundamental rights listed in the Charter, in particular on*** the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination, ***the right to gender equality*** and the rights of the child, as enshrined in Articles 7, 11, 21, **23** and 24 of the Charter respectively;

Or. en

### Amendment 1564

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng

#### Proposal for a regulation

##### Article 26 – paragraph 1 – point b

###### *Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

###### *Amendment*

(b) any negative effects for the exercise of ***any of the fundamental rights listed in the EU Charter on Fundamental Rights, in particular on*** the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. en

## Amendment 1565

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Article 26 – paragraph 1 – point b

##### *Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

##### *Amendment*

(b) any negative effects for the exercise of ***any of the fundamental rights listed in the Charter, in particular on*** the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. en

##### *Justification*

*While the articles listed here are vital, all Charter right should be respected as much as possible and balanced against each other.*

## Amendment 1566

Róza Thun und Hohenstein

### Proposal for a regulation

#### Article 26 – paragraph 1 – point b

##### *Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

##### *Amendment*

(b) any negative effects for the exercise of ***the fundamental rights listed in the Charter, in particular on*** the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. en

**Amendment 1567**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively ***through dissemination of illegal content***;

Or. en

**Amendment 1568**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, ***II***, 21 and 24 of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for ***human dignity***, private and family life, freedom of expression and information, ***right to property***, the prohibition of discrimination and the rights of the child, as enshrined in Articles ***I, 7, II, 17***, 21 and 24 of the Charter respectively;

Or. en

**Amendment 1569**

**Leszek Miller, Marc Angel, Maria-Manuel Leitão-Marques**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, ***freedom and pluralism of the media***, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. en

**Amendment 1570**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental ***rights, in particular the*** rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. en

*Justification*

*This assessment shall not be limited to the mentioned fundamental rights, but shall cover fundamental rights in general with a specific focus on those mentioned explicitly.*

**Amendment 1571**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of **the** fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in **Articles 7, 11, 21 and 24 of the Charter respectively**;

*Amendment*

(b) any negative effects for the exercise of fundamental **rights, including article 38 of the Charter of Fundamental Rights of The European Union and in particular the** rights to respect for private and family life, freedom of expression and information, **freedom of the press** the prohibition of discrimination and the rights of the child, as enshrined in the Charter;

Or. en

**Amendment 1572**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any **negative effects for** the exercise of **the** fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in **Articles 7, 11, 21 and 24 of the Charter respectively**;

*Amendment*

(b) any **foreseeable impact on** the exercise of fundamental **rights, in particular the** rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in the Charter;

Or. en

**Amendment 1573**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) intentional manipulation of their service, including by means of inauthentic

*Amendment*

(c) intentional manipulation of their service **and amplification of content that**

use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*is in breach of their terms and conditions*, including by means of inauthentic use, *such as ‘deep fakes’* or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, *democratic values, media freedom and freedom of expression of journalists, as well as their ability to verify facts*, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en

#### **Amendment 1574**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(c) intentional manipulation of their service, *including by means of inauthentic use* or automated exploitation of the service, with an actual or foreseeable negative *effect* on the protection of public health, minors, civic discourse, or actual or foreseeable *effects* related to electoral processes and public security.

##### *Amendment*

(c) *the intended use, any malfunctioning or* intentional manipulation of their service, *commercial communications published on the platform that are not marketed, sold or arranged by the platform* or automated exploitation of the service, *in particular* with an actual or foreseeable negative *impact* on the protection of public health, minors *and other categories of vulnerable groups of recipients of the service*, civic discourse, or actual or foreseeable *impact* related to electoral processes and public security;

Or. en

##### *Justification*

*The current proposal would only cover how third parties are manipulating the service of the VLOP, and not how the intended functioning of the algorithmic systems of the VLOP itself can lead to harm which requires risk mitigating measures. This amendment brings the article in line with the language of recital 57.*

## Amendment 1575

Marcel Kolaja

### Proposal for a regulation

#### Article 26 – paragraph 1 – point c

*Text proposed by the Commission*

(c) intentional manipulation of their service, including by means of ***inauthentic use or*** automated exploitation of the service, with an actual or foreseeable negative effect on ***the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.***

*Amendment*

(c) ***malfunctioning or*** intentional manipulation of their service, including by means of automated exploitation of the service, with an actual or foreseeable negative effect on ***fundamental rights as foreseen by the Charter of Fundamental rights of the European Union, including Article 38 on ensuring a high level of consumer protection.***

Or. en

## Amendment 1576

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis

### Proposal for a regulation

#### Article 26 – paragraph 1 – point c

*Text proposed by the Commission*

(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service ***and amplification of content that is in breach of their terms and conditions,*** including by means of inauthentic use, or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en



*Justification*

*amplification should also be taken into account as it may promote disallowed content on a site.*

**Amendment 1577**

**Arba Kokalari, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, *civic discourse*, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative *and illegal* effect on the protection of public health, minors, or actual or foreseeable effects related to electoral processes and public security.

Or. en

**Amendment 1578**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) intentional manipulation of their service, *including* by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service, by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en

**Amendment 1579**  
**Leszek Miller**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) intentional manipulation of their service, **including** by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en

**Amendment 1580**  
**Róża Thun und Hohenstein, Krzysztof Hetman**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) any potentially negative societal effect, in particular related to the increased polarisation of opinions and insufficient exposure to objective sources of information.***

Or. en

**Amendment 1581**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) any foreseeable negative societal***

*effect of technology design or business-model choices in relation to systemic risks that represent threats to democracy;*

Or. en

**Amendment 1582**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 26 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) any environmental impact such as electricity and water consumption, heat production and CO2 emissions related to the provision of the service and technical infrastructure or to consumer behaviour modification with a direct environmental impact.*

Or. en

**Amendment 1583**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 26 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Le Comité approuve ce rapport.*

Or. fr

**Amendment 1584**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is ***incompatible*** with their terms and conditions.

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how ***and whether*** their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is ***in compatible*** with their terms and conditions, ***as well as potential infringement of consumer rights by business active on the platform or platform themselves.***

Or. en

**Amendment 1585**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of ***information*** that is incompatible with their terms and conditions.

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting, ***targeting*** and displaying advertisement ***as well as the underlying data collection, processing and profiling*** influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of ***content*** that is incompatible with their terms and conditions.

Or. en

**Amendment 1586**  
**Leszek Miller**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content ***and of information that is incompatible with their terms and conditions.***

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content.

Or. en

**Amendment 1587**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content ***and of information that is incompatible with their terms and conditions.***

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content.

Or. en

**Amendment 1588**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content ***and of information that is incompatible with their terms and conditions.***

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content.

Or. en

**Amendment 1589**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. Lorsqu'elles procèdent à des évaluations des risques, les très grandes plateformes en ligne tiennent notamment compte de la manière dont leurs systèmes de modération des contenus, systèmes de recommandation et systèmes de sélection et d'affichage de la publicité influencent tout risque systémique visé au paragraphe 1, y compris la diffusion potentiellement rapide et à grande échelle de contenus ***illicites et d'informations incompatibles avec leurs conditions générales.***

*Amendment*

2. Lorsqu'elles procèdent à des évaluations des risques, les très grandes plateformes en ligne tiennent notamment compte de la manière dont leurs systèmes de modération des contenus, systèmes de recommandation et systèmes de sélection et d'affichage de la publicité influencent tout risque systémique visé au paragraphe 1, y compris la diffusion potentiellement rapide et à grande échelle de contenus ***illégaux.***

Or. fr

## Amendment 1590

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Article 26 – paragraph 2

##### *Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

##### *Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how ***and whether*** their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

Or. en

## Amendment 1591

Marcel Kolaja

### Proposal for a regulation

#### Article 26 – paragraph 2

##### *Text proposed by the Commission*

2. When conducting ***risk*** assessments, very large online platforms shall take into account, in particular, ***how*** their content moderation systems, recommender systems and systems for selecting and displaying advertisement ***influence any of the systemic risks referred to in paragraph 1***, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

##### *Amendment*

2. When conducting ***impact*** assessments, very large online platforms shall take into account, in particular, ***the effects of*** their content moderation systems, recommender systems and systems for selecting and displaying advertisement, including the potentially rapid and wide dissemination of ***manifestly*** illegal content and of information that is incompatible with their terms and conditions.

Or. en







**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **1592 - 1872**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



## Amendment 1592

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

### Proposal for a regulation Article 26 – paragraph 2

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, ***in particular***, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

*Amendment*

2. When conducting risk assessments, very large online platforms shall ***also*** take into account how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

Or. en

## Amendment 1593

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo

### Proposal for a regulation Article 26 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. When conducting risk assessments, very large online platforms shall involve representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Their involvement shall be tailored to the specific systemic risks that the very large online platform aim to assess.***

Or. en

**Amendment 1594**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The outcome of the impact assessment and supporting documents shall be communicated to the Board of Digital Service Coordinators and the Digital Services Coordinator of establishment. A summary version of the impact assessment shall be made publicly available in an easily accessible format.**

Or. en

**Amendment 1595**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The outcome of the risk assessment and supporting documents shall be communicated to the Agency and the Digital Services Coordinator of establishment. A summary version of the risk assessment shall be made publicly available in an easily accessible format.**

Or. en

**Amendment 1596**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The obligations detailed in paragraphs 1 and 2 shall by no means lead to a general monitoring obligation**

Or. en

**Amendment 1597**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 26 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Organisations mandated under Article 68 shall have the right to obtain access to the outcome and supporting documents of a risk assessment and to lodge a complaint against its accuracy or completeness with the Digital Services Coordinator of establishment.**

Or. en

**Amendment 1598**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 27 – title**

*Text proposed by the Commission*

*Amendment*

Mitigation of *risks*

Mitigation of *adverse impacts*

Or. en

**Amendment 1599**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online **platforms** shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online **platform services, live streaming platform services, private messaging services and search engine services** shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

**Amendment 1600**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific **systemic risks** identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific **adverse impacts** identified pursuant to Article 26, **where mitigation is possible without adversely impacting other fundamental rights**. Such measures may include, where applicable:

Or. en

**Amendment 1601**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective **mitigation** measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective measures **to mitigate the probability and severity of any**, tailored to **address** the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

**Amendment 1602**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective **mitigation** measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective measures **to mitigate the probability and severity of any**, tailored to **address** the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

*Justification*

*Mitigating should not always mean removal. It may be the placement and visibility of content.*

**Amendment 1603**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Les très grandes plateformes en ligne mettent en place des mesures d'atténuation raisonnables, proportionnées et efficaces, adaptées aux risques systémiques spécifiques identifiés en application de l'article 26. Ces mesures peuvent comprendre, le cas échéant:

*Amendment*

1. Les très grandes plateformes en ligne mettent en place, ***en collaboration avec la Commission***, des mesures d'atténuation raisonnables, proportionnées et efficaces, adaptées aux risques systémiques spécifiques identifiés en application de l'article 26. Ces mesures peuvent comprendre, le cas échéant:

Or. fr

**Amendment 1604**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures ***targeting illegal practices***, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

**Amendment 1605**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place ***reasonable***, proportionate and

*Amendment*

1. Very large online platforms shall put in place ***transparent***, proportionate and



effective **mitigation** measures, **tailored** to the specific systemic risks identified pursuant to Article 26. Such measures **may** include, where applicable:

effective measures to **eliminate, prevent and mitigate** the specific systemic risks identified pursuant to Article 26. Such measures **shall** include, where applicable:

Or. en

#### **Amendment 1606**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoș Pîslaru, Katalin Cseh**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures **may** include, where applicable:

##### *Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures **shall** include, where applicable:

Or. en

#### **Amendment 1607**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

#### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Very large online platforms shall put in place **reasonable, proportionate and effective** mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

##### *Amendment*

1. Very large online platforms shall put in place proportionate mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

### **Amendment 1608**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

*Amendment*

(a) adapting content moderation or recommender systems, their decision-making processes, the **design**, features or functioning of their services, **their advertising model** or their terms and conditions;

Or. en

### **Amendment 1609**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Laurence Farreng, Karen Melchior, Stéphane Séjourné, Marco Zullo, Christophe Grudler**

#### **Proposal for a regulation**

##### **Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

*Amendment*

(a) adapting content moderation or recommender systems, their decision-making processes, **design**, the features or functioning of their services, or their terms and conditions;

Or. en

### **Amendment 1610**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) l'adaptation des systèmes de modération des contenus ou des systèmes de recommandation, de leurs processus décisionnels, des caractéristiques ou du fonctionnement de leurs services, ***ou de leurs conditions générales***;

*Amendment*

(a) l'adaptation des systèmes de modération des contenus ou des systèmes de recommandation, de leurs processus décisionnels, des caractéristiques ou du fonctionnement de leurs services;

Or. fr

**Amendment 1611**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ***adapting*** content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

*Amendment*

(a) ***checking*** content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

Or. en

**Amendment 1612**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

*Amendment*

(a) adapting content moderation or recommender systems, their decision-making processes, ***design***, the features or functioning of their services, or their terms and conditions;

*Justification*

*design must equally be taken into account*

**Amendment 1613**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;

*Amendment*

(b) targeted measures aimed at limiting the display ***of and targeting*** of advertisements in association with the service they provide ***or the alternative placement and display of public service advertisements or other related factual information;***

*Justification*

*Instead of leaving ad spaces empty, this area can be used to provide public service or factual information to better inform the viewer of the content.*

**Amendment 1614**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;

*Amendment*

(b) targeted measures aimed at limiting the display ***of and targeting*** of advertisements in association with the service they provide;

**Amendment 1615**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 27 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;

*Amendment*

(b) targeted measures aimed at limiting the display **and targeting** of advertisements in association with the service they provide;

Or. en

**Amendment 1616**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 27 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of systemic risk;

*Amendment*

(c) reinforcing the internal processes, **testing, documentation** or supervision of any of their activities in particular as regards detection of systemic risk;

Or. en

**Amendment 1617**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 27 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19;**

**deleted**

Or. en

**Amendment 1618  
Geert Bourgeois**

**Proposal for a regulation  
Article 27 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) samenwerking met betrouwbare flaggers overeenkomstig artikel 19 beginnen of aanpassen;**

**Schrappen**

Or. nl

**Amendment 1619  
Marion Walsmann**

**Proposal for a regulation  
Article 27 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) in case of very large online marketplaces taking into account the information on repeat infringers as referred to in Article 20 paragraph 1a, when starting a contractual relationship with a trader;**

Or. en

**Amendment 1620  
Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) la mise en place d'une coopération avec d'autres plateformes en ligne, ou l'ajustement de cette coopération, sur la base des codes de conduite et des protocoles de crise visés aux articles 35 et 37, respectivement.**

**supprimé**

Or. fr

**Amendment 1621**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively.**

**deleted**

Or. en

**Amendment 1622**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 27 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) targeted measures aimed at reducing electricity and water consumption, heat production and CO<sub>2</sub> emissions related to the provision of the service and technical infrastructure.**

**Amendment 1623**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***These measures and its justification shall be provided to the independent auditors in order to prepare the audit report referred to in Article 28.***

Or. en

**Amendment 1624**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Any measure adopted shall respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.***

Or. en



**Amendment 1625**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Very large online platforms shall, where appropriate, conduct their risk assessments referred in Article 26 and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Where no such involvement is taken, this shall be made clear in the transparency report referred to in Article 33.***

Or. en

*Justification*

*This requirement was set down in a recital without any matching article. This is now introduced.*

**Amendment 1626**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Katalin Cseh**

**Proposal for a regulation**

**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where a very large online platform decides not to put in place any of the mitigating measures listed in Article 27(1), it shall provide a written explanation that describes the reasons***

*why those measures were not put in place, which shall be provided to the independent auditors in order to prepare the audit report in Article 28(3).*

Or. en

**Amendment 1627**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Board shall evaluate the implementation and effectiveness of mitigating measures undertaken by very large online platforms listed in Article 27(1) and where necessary, may issue recommendations.**

Or. en

**Amendment 1628**

**Marco Zullo**

**Proposal for a regulation**

**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Very large online platforms communicate to their recipients of the service the presence and type of systemic risks identified and relative adopted measures.**

Or. en

**Amendment 1629**

**Marcel Kolaja**

**Proposal for a regulation**  
**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The decision as to the choice of measures shall remain with the platform.**

Or. en

**Amendment 1630**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 27 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b. Where a very large online platform decides not to put in place any of the mitigating measures listed in Article 27(1), it shall provide a written explanation that describes the reasons why those measures were not put in place, to the Board in view of issuing specific recommendations and to independent auditors for the purposes of the audit report.**

**Following the written explanation of the reasons of the very large online platforms not to put in place mitigating measures, and where necessary, the Board shall issue specific recommendations as to the mitigation measures that very large online platforms shall implement. Very large online platforms shall within one month from receiving of these recommendations, implement the recommended measures, or set out any alternative measures they intend to take to address the identified risks.**

**In case of systemic failure of a very large online platform to take effective mitigating measures and in case of**

*repeated non-compliance with the recommendations, the Board may advise the Commission and the Digital Services Coordinators to impose sanctions.*

Or. en

#### **Amendment 1631**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:

##### *Amendment*

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year. ***The reports of the Board shall be broken down per Member State in which the systemic risks occur and in the Union as a whole. The reports shall be published in all the official languages of the Member States of the Union. The reports*** shall include the following:

Or. en

#### **Amendment 1632**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 27 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. The ***Board, in cooperation with the Commission***, shall publish comprehensive reports, once a year, which shall include the following:

##### *Amendment*

2. The ***Agency*** shall publish comprehensive reports, once a year, which shall include the following:

Or. en

### **Amendment 1633**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation**

##### **Article 27 – paragraph 2 – introductory part**

###### *Text proposed by the Commission*

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the *following*:

###### *Amendment*

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the:

Or. en

### **Amendment 1634**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 27 – paragraph 2 – point a**

###### *Text proposed by the Commission*

(a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with *Article* 31 and 33;

###### *Amendment*

(a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with *Articles* 30, 31 and 33;

Or. en

### **Amendment 1635**

**Marcel Kolaja**

#### **Proposal for a regulation**

##### **Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) identification and assessment of the most prominent and recurrent **systemic risks** reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

*Amendment*

(a) identification and assessment of the most prominent and recurrent **adverse impacts** reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

**Amendment 1636**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) identification and assessment of the **most prominent and recurrent** systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

*Amendment*

(a) identification and assessment of **each of** the systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

*Justification*

*The current text gives no clear indications as to how a platform should assess which risks are the most prominent. This also gives too much discretion to the platforms.*

**Amendment 1637**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) identification and assessment of the **most prominent and recurrent** systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

(a) identification and assessment of **each of** the systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

**Amendment 1638**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) identification and assessment of the most prominent and recurrent systemic risks reported by **very large** online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

(a) identification and assessment of the most prominent and recurrent systemic risks reported by online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

**Amendment 1639**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 27 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) **best practices for very large online platforms to mitigate the systemic risks identified.**

**deleted**

**Amendment 1640**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 27 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) best practices for very large online platforms to mitigate the **systemic risks** identified.

*Amendment*

(b) best practices for very large online platforms to mitigate the **adverse impacts** identified.

**Amendment 1641**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 27 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The reports of the Board shall include information both broken down per Member State in which the systemic risks occur and in the Union as a whole. The reports shall be published in all the official languages of the Member States of the Union.***

*Justification*

*Additional information which will help to better understand the report at both Member State and Union level.*

**Amendment 1642**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,**



**Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Commission, in cooperation with the Digital Services Coordinators, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.**

*deleted*

Or. en

**Amendment 1643**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Commission, in cooperation with the Digital Services Coordinators, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.**

**3. The Agency may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Agency shall organise public consultations.**

Or. en

## Amendment 1644

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng, Marco Zullo

### Proposal for a regulation

#### Article 27 – paragraph 3

##### *Text proposed by the Commission*

3. The Commission, in cooperation with the Digital Services Coordinators, **may** issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. ***When preparing those guidelines the Commission shall organise public consultations.***

##### *Amendment*

3. The Commission, in cooperation with the Digital Services Coordinators, **and following public consultations shall** issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved.

Or. en

## Amendment 1645

Marcel Kolaja

### Proposal for a regulation

#### Article 27 – paragraph 3

##### *Text proposed by the Commission*

3. The Commission, in cooperation with the Digital Services Coordinators, may issue general **guidelines** on the application of paragraph 1 in relation to specific **risks**, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those **guidelines** the Commission shall organise public consultations.

##### *Amendment*

3. The Commission, in cooperation with the Digital Services Coordinators, may issue general **recommendations** on the application of paragraph 1 in relation to specific **impacts**, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those **recommendations** the Commission shall organise public consultations.

**Amendment 1646**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. The Commission, ***in cooperation with the Digital Services Coordinators***, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

*Amendment*

3. ***The Board and*** the Commission may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

**Amendment 1647**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. The Commission, in cooperation with the Digital Services Coordinators, ***may*** issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

*Amendment*

3. The Commission, in cooperation with the Digital Services Coordinators, ***shall*** issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

**Amendment 1648**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 27 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 bis. Dit artikel doet geen afbreuk aan de universele dienstverplichting waarmee zeer grote sociale onlineplatforms zijn belast overeenkomstig artikel 33 bis.***

Or. nl

**Amendment 1649**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 27 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The requirement to put in place mitigation measures shall not require an obligation to impose general monitoring or active fact-finding obligations.***

Or. en

*Justification*

*Any additional requirements should not contradict the ban under article 7*

**Amendment 1650**  
**Leszek Miller**

**Proposal for a regulation**  
**Article 27 a (new)**

***Article 27a***

***Mitigation of risks for the freedom of expression and freedom and pluralism of the media***

- 1. Where specific systemic risks for the exercise of freedom of expression and freedom and pluralism of the media pursuant to Article 26(1)(b) emerge, very large online platforms shall ensure that the exercise of these fundamental rights is always adequately and effectively protected.***
- 2. Where very large online platforms allow for the dissemination of press publications within the meaning of Art. 2(4) of Directive (EU) 2019/790, of audiovisual media services within the meaning of Article 1(1)(a) of Directive 2010/13/EU(AVMS) or of other editorial media, which are published in compliance with applicable Union and national law under the editorial responsibility and control of a press publisher, audiovisual or other media service provider, who can be held liable under the laws of a Member State, the platforms shall be prohibited from removing, disabling access to, suspending or otherwise interfering with such content or services or suspending or terminating the service providers' accounts on the basis of the alleged incompatibility of such content with their terms and conditions.***
- 3. Very large online platforms shall ensure that their content moderation, their decision-making processes, the features or functioning of their services, their terms and conditions and recommender systems are objective, fair and non-discriminatory.***

Or. en

## Amendment 1651

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 28 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least once a year, **to** audits to assess compliance with the following:

##### *Amendment*

1. Very large online platforms shall be subject, at their own expense and at least once a year, **and additionally where requested by the Agency, to independent** audits to assess compliance with the following:

Or. en

## Amendment 1652

Marcel Kolaja

### Proposal for a regulation

#### Article 28 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the **following**:

##### *Amendment*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the **obligations set out in Chapter III.**

Or. en

## Amendment 1653

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Article 28 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least

##### *Amendment*

1. Very large online platforms shall be subject, at their own expense and at least

once a year, to audits to assess compliance with the following:

once a year, to **independent** audits to assess compliance with the following:

Or. en

*Justification*

*needed to match the title*

**Amendment 1654**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:

*Amendment*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to **independent** audits to assess compliance with the following:

Or. en

**Amendment 1655**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

**(a) the obligations set out in Chapter III;**

*Amendment*

**deleted**

Or. en

**Amendment 1656**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the obligations set out in Chapter III;

*Amendment*

(a) the obligations set out in Chapter III.

*Audits shall at least be performed on:*

*i. the clarity, coherence and predictable enforcement of terms of service with particular regard to the applicable fundamental rights as enshrined in the Charter;*

*ii. the completeness, methodology and consistency of the transparency reporting obligations as set out in Articles 13, 13a, 23, and 30 as well as respect for industry standards on transparency reporting;*

*iii. accuracy, predictability and clarity of the provider's follow-up for recipients of the service and notice providers to notices of manifestly illegal content and terms of service violations and the accuracy of classification (illegal or terms and conditions violation) of removed information;*

*iv. internal and third-party complaint handling mechanisms;*

*v. interaction with trusted flaggers and independent assessment of accuracy, response times, efficiency and whether there are indications of abuse;*

*vi. diligence with regard to verification of the traceability of traders;*

*vii. the adequateness and correctness of the risk assessment as set out in Article 26;*

*viii. the adequateness and effectiveness of the measures taken according to Article 27 to address the risks identified in the risk assessments as set out in Article 26;*

*vii. the effectiveness of and compliance with codes of conduct.*

*Audits on the subjects mentioned in points*



*(i) to (vii) may be combined where the organisation performing the audits has subject-specific expertise on the subject matters at hand.*

Or. en

**Amendment 1657**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the obligations set out in Chapter III;

*Amendment*

(a) the obligations set out in Chapter III, *in particular the quality of the identification, analysis and assessment of the systemic risks referred to in Article 26, the necessity, proportionality and effectiveness of the risk mitigation measures referred to in Article 27, and the quality and effectiveness of the functionalities made available to the recipients of the service pursuant to Article 28a and Article 29(1);*

Or. en

**Amendment 1658**  
**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoș Pîslaru, Katalin Cseh**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the obligations set out in Chapter III;

*Amendment*

(a) the obligations set out in Chapter III; *in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation*

**Amendment 1659**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the obligations set out in Chapter III;

*Amendment*

(a) the obligations set out in Chapter III, *in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation measures referred to in Article 27;*

**Amendment 1660**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) *any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.*

*Amendment*

*deleted*

**Amendment 1661**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.

*Amendment*

(b) any **voluntary** commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.

Or. en

**Amendment 1662**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) tout engagement pris en vertu **des codes** de conduite **visés aux articles 35 et 36 et des protocoles de crise visés** à l'article 37.

*Amendment*

(b) tout engagement pris en vertu **du code** de conduite **pour la publicité en ligne visé** à l'article 36.

Or. fr

**Amendment 1663**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 28 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:

*Amendment*

2. Audits performed pursuant to paragraph 1 shall be performed by **the European Union Agency for Fundamental Rights. The Agency may decide to perform the audit in collaboration with** organisations which:

Or. en

#### Amendment 1664

Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Adrián Vázquez Lázara, Sandro Gozi

#### Proposal for a regulation

#### Article 28 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:

*Amendment*

2. Audits performed pursuant to paragraph 1 shall be performed by organisations which ***have been selected by the Commission and:***

Or. en

#### Amendment 1665

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Andrea Caroppo, Barbara Thaler

#### Proposal for a regulation

#### Article 28 – paragraph 2 – point a

*Text proposed by the Commission*

(a) are independent from the very large online platform concerned;

*Amendment*

(a) are independent from the very large online platform concerned ***and have not provided any other service to the platform in the previous 12 months;***

Or. en

#### Amendment 1666

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### Proposal for a regulation

#### Article 28 – paragraph 2 – point a

*Text proposed by the Commission*

(a) are independent from the very large

*Amendment*

(a) are ***legally and financially***

online platform concerned;

independent from the very large online platform concerned;

Or. en

**Amendment 1667**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 28 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) have proven expertise in the area of risk management, technical competence and capabilities;** **deleted**

Or. en

**Amendment 1668**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 28 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) have proven expertise in the area of risk management, technical competence and capabilities;**

**(b) have proven expertise in the area of risk management, technical competence and capabilities *certified by qualified and accredited certification body*;**

Or. en

**Amendment 1669**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 28 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) have proven objectivity and professional ethics, based in particular on adherence to codes of practice or appropriate standards.

*Amendment*

(c) have ***been recognised and vetted by the Agency on the basis of their*** proven objectivity, ***subject-specific expertise*** and professional ethics, based in particular on adherence to codes of practice or appropriate standards

Or. en

#### **Amendment 1670**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

**Article 28 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) dont l'objectivité et l'éthique professionnelle sont avérées, ***notamment sur la base de l'adhésion à des codes de conduites ou à des normes appropriées.***

*Amendment*

(c) dont l'objectivité et l'éthique professionnelle sont avérées.

Or. fr

#### **Amendment 1671**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

**Article 28 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) natural persons performing the audits commit not to work for the very large online platform audited or a professional organisation or business association of which the platform is a member for a period of three years after their position in the auditing organisation has ended.***

**Amendment 1672**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 28 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) have been certified by the Commission for the performance of this task;*

Or. en

**Amendment 1673**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 28 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. The organisations that perform the audits shall establish an audit report for each audit. The report shall be in writing and include at least the following:

3. The organisations that perform the audits shall establish an audit report for each audit *subject as referred to in point (a) of paragraph 1*. The report shall be in writing and include at least the following:

Or. en

**Amendment 1674**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 28 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) a declaration of interests;**

Or. en

**Amendment 1675**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 28 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) a description of the **main** findings drawn from the audit;

(d) a description of the findings drawn from the audit **and a summary of the main findings;**

Or. en

**Amendment 1676**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 28 – paragraph 3 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(fa) a description of specific elements that could not be audited, and an explanation of why these could not be audited;**

Or. en

**Amendment 1677**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**



**Proposal for a regulation**  
**Article 28 – paragraph 3 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(fa)** *a description of specific elements that could not be audited, and an explanation of why these could not be audited;*

Or. en

*Justification*

*Additional information which will help to better understand the outcome of an audit.*

**Amendment 1678**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 28 – paragraph 3 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

**(fb)** *where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such conclusion.*

Or. en

**Amendment 1679**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 28 – paragraph 3 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

**(fb)** *where the audit opinion could not reach a conclusion for specific elements*

*within the scope of the audit, a statement of reasons for the failure to reach such conclusion.*

Or. en

*Justification*

*Additional information which will help to better understand the outcome of an audit.*

**Amendment 1680**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 28 – paragraph 4**

*Text proposed by the Commission*

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. *Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.*

*Amendment*

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures.

Or. en

**Amendment 1681**

**Marcel Kolaja**

**Proposal for a regulation**  
**Article 28 – paragraph 4**

*Text proposed by the Commission*

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them ***with a view to take the necessary measures to implement them***. They shall, within one month from receiving those recommendations, adopt an audit implementation report ***setting out those measures***. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

*Amendment*

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them. They shall, within one month from receiving those recommendations, adopt an audit implementation report. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Or. en

**Amendment 1682**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 28 – paragraph 4**

*Text proposed by the Commission*

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to ***them with a view to take the necessary measures to implement*** them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-

*Amendment*

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

compliance identified.

Or. en

**Amendment 1683**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 28 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Agency shall decide on the subject matter of audits to be performed and choose the auditing organisation for the relevant audited subject matter as referred to in paragraph 1. Yearly audits of very large online platforms may not be performed by the same auditing organisation for more than three consecutive times. The Agency shall monitor the implementation by the very large platforms of any operational recommendations addressed to them.***

***The Agency shall publish and regularly update a list of vetted organisations that perform audits of very large online platforms. The Agency shall publish and regularly review detailed criteria such organisations need to meet in order to be vetted.***

Or. en

**Amendment 1684**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Morten Løkkegaard, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

**Proposal for a regulation**

**Article 28 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *Where an audit report finds in accordance with paragraph 1 that total compliance or partial compliance with only minor issues has been found, the very large online platform may request from the Commission a waiver or delay to further auditing reports. When granted, the maximum delay shall be two years since the last auditing report.*

Or. en

*Justification*

*Where a VLOP is acting responsibly, they should be able to report every other year.*

#### **Amendment 1685**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

**Article 28 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b.** *Where an audit report contains information that could be misused in order to harm the security and privacy of receptions of the platform, the very large online platform may request from the Commission that such information is removed or summarised in any public version of the audit report. The Commission shall consider any such requests and may grant such a request if deemed merited.*

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

**Amendment 1686**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 28 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 28a**

**European Social Media Council**

**1. An independent advisory group named ‘European Social Media Council’ (the ‘Council’) is established with a view to:**

**(a) issuing non-binding guiding principles and recommendations to improve content moderation processes;**

**(b) fostering a participative and transparent public debate around content moderation processes; and**

**(c) issuing policy and enforcement recommendations to the Commission and the Agency, and requesting audits from the Agency, where necessary.**

**2. Very large online platforms shall commit to take the necessary technical and organisational measures to ensure that any operational recommendations addressed to them by the Council are implemented. To this end, they shall engage with the Council in good faith.**

**3. The status of member of the Social Media Council shall be awarded by the Commission, where the applicant has demonstrated to meet all of the following conditions:**

**(a) it represents recipients of the service, or groups potentially impacted by services;**

**(b) it has particular expertise and competence in the field of international human rights law, content moderation,**

*algorithmic systems, media, consumer protection, disinformation, hateful speech, in areas of the risk assessments as referred to in Article 26, or other areas identified by audit reports;*

*(c) in case of natural persons, it is independent from any online platform and from commercial interest;*

*(d) in case of legal persons, it operates on a not-for-profit basis, is independent from commercial interest and has been properly constituted in accordance with the law of a Member State.*

*4. The Commission shall revoke the membership status if it determines, following an investigation either on its own initiative or on the basis information received by third parties that the member no longer meets the conditions set out in paragraph 3. Before revoking that status, the Commission shall afford the natural or legal person an opportunity to react to the findings of its investigation and its intention to revoke the status as a member of the Council.*

*5. The European Social Media Council shall publish in a standardised and machine-readable format, at least once a year, clear, easily comprehensible and detailed reports on its activities during the relevant period. 5. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Agency, to lay down a specific set of procedures for the functioning and financing of the Council.*

Or. en

#### *Justification*

*Social Media Councils were endorsed by former UN Special Rapporteur for Freedom of Speech David Kaye who recommended in April 2018 that “all segments of the ICT sector that moderate content or act as gatekeepers should make the development of industry-wide accountability mechanisms (such as a social media council) a top priority” (UN General Assembly 2018, para. 72) . This amendment establishes ‘Social Media Councils’ made up of*

*members of civil society, experts for freedom of expression, democracy and technology, and representatives of groups particularly affected by hate speech to publicly debate exactly these key questions about online communication in the future. They can trigger debates, identify good and bad platform practice, and issue recommendations for action to politicians. It is important, however, that they should not make decisions about the (il)legality of individual posts.*

**Amendment 1687**

**Róża Thun und Hohenstein**

**Proposal for a regulation**

**Article 29**

*Text proposed by the Commission*

*Amendment*

**Article 29**

**deleted**

***Recommender systems***

***1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.***

***2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.***

Or. en



**Amendment 1688**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 29 – title**

*Text proposed by the Commission*

*Amendment*

Recommender systems

Recommender systems *of very large  
online platforms*

Or. en

**Amendment 1689**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 29 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.**

*deleted*

Or. en

*Justification*

*Moved up to apply this to all recommender systems. See Article 24a new.*

**Amendment 1690**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 29 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, ***including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.***

*Amendment*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available. ***Online platforms shall ensure consumers are not profiled by default, unless consumers genuinely opt-in, in line with the requirements established under Regulation (EU) 2016/679. Online platforms shall not subvert or impair consumers' autonomy, decision-making, or choice via the structure, function or manner of operation of their online interface or any part thereof.***

Or. en

**Amendment 1691**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 29 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available,

*Amendment*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions ***and on a designated web page that can be directly reached and easily found from the very large online platforms' online interface,*** in a clear, accessible and easily comprehensible manner ***for the general public,*** the main parameters used in their recommender

including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

systems, ***the optimisation goals of their recommender systems*** as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

Or. en

### *Justification*

*If recipients are given these options, they should be able to do so in an easy manner.*

### **Amendment 1692**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

### **Proposal for a regulation Article 29 – paragraph 1**

#### *Text proposed by the Commission*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

#### *Amendment*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions ***and on a designated web page that can be directly reached from the very large online platforms' online interface***, in a clear, accessible and easily comprehensible manner ***for the general public***, the main parameters used in their recommender systems, ***the optimisation goals of their recommender systems*** as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

Or. en

## Amendment 1693

Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 29 – paragraph 1

##### *Text proposed by the Commission*

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in *their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.*

##### *Amendment*

1. Very large online platforms that use recommender systems *or any other systems used to determine the order of presentation of content, including those which decrease the visibility of content,* shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in *these* systems.

Or. en

## Amendment 1694

Geert Bourgeois

### Proposal for a regulation

#### Article 29 – paragraph 1

##### *Text proposed by the Commission*

1. Zeer grote onlineplatforms die gebruikmaken van aanbevelingssystemen, vermelden in hun algemene voorwaarden op een duidelijke, toegankelijke en gemakkelijk te begrijpen wijze de belangrijkste parameters die in hun aanbevelingssystemen worden gebruikt, alsook *eventuele* opties voor de afnemers van de dienst om deze beschikbaar gestelde belangrijkste parameters te wijzigen of te beïnvloeden, met inbegrip van ten minste één optie die niet is gebaseerd op profilering, in de zin van artikel 4, lid 4, van Verordening (EU) 2016/679.

##### *Amendment*

1. Zeer grote onlineplatforms die gebruikmaken van aanbevelingssystemen, vermelden in hun algemene voorwaarden op een duidelijke, toegankelijke en gemakkelijk te begrijpen wijze de belangrijkste parameters die in hun aanbevelingssystemen worden gebruikt, alsook opties voor de afnemers van de dienst om deze beschikbaar gestelde belangrijkste parameters te wijzigen of te beïnvloeden, met inbegrip van ten minste één optie die niet is gebaseerd op profilering, in de zin van artikel 4, lid 4, van Verordening (EU) 2016/679.

**Amendment 1695**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 29 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***This duty is without prejudice to any trade secrets regarding the underlying algorithms. Very large online platforms are not required to disclose any information which could easily be used to manipulate search results to the detriment of customers and other end users.***

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

**Amendment 1696**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 29 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The main parameters referred to in paragraph 1 of this Article shall include, at least the following elements:***

- (a) the main criteria used by the relevant recommender system;***
- (b) how these criteria are prioritised;***
- (c) the optimisation goal of the relevant recommender system; and***
- (d) an explanation of the role that the behaviour of the recipients of the service***

*plays in how the relevant recommender system functions.*

Or. en

**Amendment 1697**

**Leszek Miller, Maria Grapini, Marc Angel, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 29 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The parameters used in recommender systems shall always be fair and non-discriminatory.**

Or. en

**Amendment 1698**

**Krzysztof Hetman**

**Proposal for a regulation**

**Article 29 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The parameters used in recommender systems shall always be fair and non-discriminatory.**

Or. en

**Amendment 1699**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 29 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b. Very large online platforms shall provide options for the recipients of the**

*service to modify or influence parameters referred to in paragraph 2, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.*

Or. en

**Amendment 1700**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 29 – paragraph 2**

*Text proposed by the Commission*

2. *Where several options are available pursuant to paragraph 1*, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

*Amendment*

2. Very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to;

(a) select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them;

(b) *select third party recommender systems.*

Or. en

**Amendment 1701**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 29 – paragraph 2**

*Text proposed by the Commission*

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide **an** easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

*Amendment*

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide **clear and** easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Or. en

**Amendment 1702**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 29 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Obligations pursuant to paragraphs 1 and 2 shall not oblige a very large online platform to disclose information that will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets and intellectual property rights. Further, very large online platforms shall not be required to enable modification of systems essential to uphold the safety and security of the service.**

Or. en

**Amendment 1703**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group



**Proposal for a regulation**  
**Article 29 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In addition to the obligations applicable to all online platforms, very large online platforms shall offer to the recipients of the service the choice of using recommender systems from third party providers, where available. Such third parties must be offered access to the same operating system, hardware or software features that are available or used in the provision by the platform of its own recommender systems.**

Or. en

*Justification*

*In line with new Article 33a new and based on the IMCO INL (resolution 2020/2018(INL), par. 81 and Chapter VII). An interoperability requirement has been recommended in varying forms by the special advisers to European Commission Vice-President Margrethe Vestager, the UK's Furman and digital advertising reviews, and the US Stigler Report. The EDPS recommends to consider introducing interoperability requirements for very large online platforms (EDPS opinion, par. 84-85). The concentration of power with a few large social media platforms means users have limited choice, particularly on issues of privacy, accessibility, and free expression. Many users do not have a real choice to switch to privacy-friendly and secure alternative platforms because they are locked in platforms becoming more popular, to be able to receive essential messages related to their work, education etc. In order to overcome the lock-in effect of closed platforms and to ensure competition and consumer choice, users of very large platforms shall be given the ability to access cross-platform interaction via open interfaces. The interoperability obligation does not prevent platforms from offering additional and new functions to their users.*

**Amendment 1704**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**  
**Article 29 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Online platforms shall ensure that their online interface is designed in such**

*a way that it does not risk misleading or manipulating the recipients of the service.*

Or. en

**Amendment 1705**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 29 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Very large online platforms may only limit access to third-party recommender systems temporarily and in exceptional circumstances, when justified by an obligation under Article 18 of Directive (EU) 2020/0359 and Article 32(1)(c) of Regulation (EU) 2016/679. Such limitations shall be notified within 24 hours to affected third parties and to the Agency. The Agency may require such limitations to be removed or modified where it decides by majority vote they are unnecessary or disproportionate.**

Or. en

*Justification*

*In line with the IMCO INL report P9\_TA(2020)0272.*

**Amendment 1706**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 29 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Very large online platforms shall not make commercial use of any of the**

***data that is generated or received from third parties as a result of interoperability activities for purposes other than enabling those activities. Any processing of personal data related to those activities shall comply with Regulation (EU) 2016/679, in particular Articles 6(1)(a) and 5(1)(c).***

Or. en

### *Justification*

*In line with the IMCO INL P9\_TA(2020)0272 (resolution 2020/2018(INL), par. 81 and Chapter VII). An interoperability requirement has been recommended in varying forms by the special advisers to European Commission Vice-President Margrethe Vestager, the UK's Furman and digital advertising reviews, and the US Stigler Re-port. The EDPS recommends to consider introducing interoperability requirements for very large online platforms (EDPS opinion, par. 84-85). The concentration of power with a few large social media platforms means users have limited choice, particularly on issues of privacy, accessibility, and free expression. Many users do not have a real choice to switch to privacy-friendly and secure alternative platforms because they are locked in platforms becoming more popular, to be able to receive essential messages related to their work, education etc. In order to overcome the lock-in effect of closed platforms and to ensure competition and consumer choice, users of very large platforms shall be given the ability to access cross-platform interaction via open interfaces. The interoperability obligation does not prevent platforms from offering additional and new functions to their users.*

## **Amendment 1707** **Róża Thun und Hohenstein**

### **Proposal for a regulation** **Article 29 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 29a***

#### ***Additional requirements for recommender systems***

***1. Very large online platforms that use recommender systems may provide the recipients of the service with the options to modify or influence the optimisation goals and rank or select the recommendation criteria of relevant systems, made available pursuant to***

*paragraph 4 of Article 23a.*

**2. If very large online platforms decide not to provide the options referred to in paragraph 1, they shall offer users the choice of recommender systems from third party providers where available. Such third parties must be offered access to the same operating system, hardware or software features that are available or used in the provision by the very large online platform of its own recommender systems.**

**3. The Commission shall, after consulting the Board, adopt delegated acts laying down the requirements for third party providers referred to in paragraph 2 to ensure an adequate standard of data protection, data security as well as diversity and quality of recommended information in the provision of third party services.**

Or. en

**Amendment 1708**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Marc Angel**

**Proposal for a regulation**

**Article 29 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 29a**

***Recommendation systems and individual or target-group specific pricing on online market places***

***The description shall also include information on whether users are shown different prices depending on individual, as defined in Article 6 (1) ii) (ea) of Directive 2011/83/EU or target group-specific factors, in particular devices used and geographical locations. Where applicable, the platform shall make***

*reference to these factors in a clearly visible manner.*

Or. en

**Amendment 1709**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Laurence Farreng, Karen Melchior, Stéphane Séjourné, Christophe Grudler, Marco Zullo**

**Proposal for a regulation**

**Article 30 – title**

*Text proposed by the Commission*

*Amendment*

Additional *online advertising* transparency

Additional transparency *for online advertisements and ‘deep fakes’ audiovisual media*

Or. en

**Amendment 1710**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 30 – title**

*Text proposed by the Commission*

*Amendment*

Additional online advertising *transparency*

Additional *transparency for* online advertising *and "deep fakes" audiovisual media*

Or. en

*Justification*

*title changed to match additional content*

**Amendment 1711**

**Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Adrián Vázquez Lázara, Sandro Gozi**

**Proposal for a regulation**  
**Article 30 – title**

*Text proposed by the Commission*

Additional online advertising transparency

*Amendment*

Additional online advertising transparency  
**and protection**

Or. en

**Amendment 1712**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Paul Tang, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **one** year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

*Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available **and searchable through easy to access, functional and reliable tools** through application programming interfaces a repository containing the information referred to in paragraph 2, until **five** year after the advertisement was displayed for the last time on their online interfaces. **They shall ensure multi-criterion queries can be performed per advertiser and per all data points present in the advertisement, and provide aggregated data for these queries on the amount spent, the target of the advertisement, and the audience the advertiser wishes to reach.** They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

## *Justification*

*By providing a longer historical reach in the repository, researchers and civil society would be able to better analyse past disinformation campaigns. This amendment also makes it possible to have reliable and accessible research tools that can prove beneficial to the broader public to further the accountability of online advertisement. In addition, and in order to improve accountability of VLOPs, online repositories must allow researchers, journalists, and civil society the option of performing deep research with the above-mentioned criteria.*

### **Amendment 1713**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

#### **Article 30 – paragraph 1**

##### *Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **one year** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

##### *Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a **searchable, easy to access and functional** repository containing the information referred to in paragraph 2, until **three years** after the advertisement was displayed for the last time on their online interfaces. **They shall ensure multi-criterion queries can be performed per advertiser and per all data points present in the advertisement.** They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed. **They shall make sure that if advertisements have been labelled, moderated, or disabled, these labels shall be clearly visible and identifiable for users and researchers.**

Or. en

## *Justification*

*Researchers need access to the data for a period of at least three years after the advertisement was displayed. Malign actors, for example, the owners of a network of assets from an online platform engaging in Coordinated Inauthentic Behaviour, have been known to re-emerge several years after an initial takedown. By providing a longer historical reach in*

*the repository, such a provision would enable researchers and civil society to better analyse past disinformation campaigns. This amendment also makes it possible to have reliable and accessible research tools that can prove beneficial to the broader public to further the accountability of online advertisement.*

#### **Amendment 1714**

**Andrea Caroppo, Salvatore De Meo, Carlo Fianza**

#### **Proposal for a regulation Article 30 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make **publicly** available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

*Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make available **to relevant authorities, publishers, advertisers and vetted researchers that meet the requirements listed in paragraph 4 of this Article or Article 31** through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

#### **Amendment 1715**

**Morten Løkkegaard**

#### **Proposal for a regulation Article 30 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming

*Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming



interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed. ***The data shall be validated by relevant European and international standardisation bodies.***

Or. en

#### *Justification*

*The desired transparency benefits in online advertising can only be reached if the shared data is validated by European and international standardization bodies.*

#### **Amendment 1716**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Karen Melchior, Laurence Farreng, Stéphane Séjourné**

#### **Proposal for a regulation Article 30 – paragraph 1**

##### *Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make ***publicly*** available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

##### *Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make available ***to relevant authorities and vetted researchers, meeting the requirements of Article 31(4)***, through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

## Amendment 1717

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation Article 30 – paragraph 1

#### *Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **one year** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

#### *Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available ***in an easily accessible and comprehensible format and*** through application programming interfaces a repository containing the information referred to in paragraph 2, until ***seven years*** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

#### *Justification*

*The retention period is far too short: Facebook currently retains ads for seven years, which has already been criticised as being too short by researchers.*

## Amendment 1718

Róza Thun und Hohenstein

### Proposal for a regulation Article 30 – paragraph 1

#### *Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **one year** after the advertisement was

#### *Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available, ***in particular,*** through application programming interfaces a repository containing the information referred to in paragraph 2, until ***two years***

displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

#### **Amendment 1719**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation Article 30 – paragraph 1**

##### *Text proposed by the Commission*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **one year** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

##### *Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **six months** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

#### **Amendment 1720**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

#### **Proposal for a regulation Article 30 – paragraph 2 – point a**

*Text proposed by the Commission*

- (a) the content of the advertisement;

*Amendment*

- (a) the content of the advertisement, ***in particular, the name of the product, service or brand and the object of the advertisement;***

Or. en

**Amendment 1721**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Marco Zullo, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 30 – paragraph 2 – point a**

*Text proposed by the Commission*

- (a) the content of the advertisement;

*Amendment*

- (a) the content of the advertisement, ***including the name of the product, service or brand and the object of the advertisement;***

Or. en

**Amendment 1722**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 30 – paragraph 2 – point b**

*Text proposed by the Commission*

- (b) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

- (b) The natural or legal person on whose behalf the advertisement is displayed ***and any related payments received;***

Or. en

**Amendment 1723**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) la personne physique ou morale pour le compte de laquelle la publicité est affichée;

*Amendment*

(b) *l'identité et la nationalité de* la personne physique ou morale pour le compte de laquelle la publicité est affichée;

Or. fr

**Amendment 1724**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the natural or legal person who paid for the advertisement;*

Or. en

**Amendment 1725**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the natural or legal person or group who paid for the advertisement;*

Or. en

**Amendment 1726**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,**

**Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose;*

*deleted*

Or. en

**Amendment 1727**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, *the main* parameters used for that purpose;

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, *all* parameters used for that purpose *including any parameters used to exclude particular groups;*

Or. en

**Amendment 1728**

**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of

the service and if so, the *main* parameters used for that purpose;

the service and if so, the parameters used for that purpose;

Or. en

#### **Amendment 1729**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 30 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) where it is disclosed, a copy of the content of commercial communications published on the very large online platforms that are not marketed, sold or arranged by the very large online platform, which have through appropriate channels been declared as such to the very large online platform;***

Or. en

*Justification*

*The Audiovisual Media Services Directive requires video-sharing platforms to operate a functionality allowing users to disclose their influencer marketing activities to the platforms, this would ensure that platforms are transparent on these disclosures.*

#### **Amendment 1730**

**Róża Thun und Hohenstein**

#### **Proposal for a regulation**

#### **Article 30 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients ***to whom the advertisement was targeted specifically.***

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers ***of the size of the group or groups that were intended to be targeted by the advertiser, as well as aggregate numbers*** for the ***specific*** group

or groups of recipients *eventually reached, with an indication of at least a demographic and geographic distribution of the recipients in each of these categories.*

Or. en

#### **Amendment 1731**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 30 – paragraph 2 – point e**

##### *Text proposed by the Commission*

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

##### *Amendment*

(e) the total number of recipients of the service reached *in terms of impressions and engagements of the advertisement* and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

Or. en

#### **Amendment 1732**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Laurence Farreng, Karen Melchior, Stéphane Séjourné, Christophe Grudler, Marco Zullo**

#### **Proposal for a regulation**

#### **Article 30 – paragraph 2 – point e**

##### *Text proposed by the Commission*

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

##### *Amendment*

(e) the total number of recipients of the service reached *in each country* and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

Or. en



**Amendment 1733**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 30 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

*Amendment*

(e) the total number of recipients of the service reached ***in each country*** and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

Or. en

**Amendment 1734**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 30 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) in case of an advertisement removed on the basis of a notice submitted in accordance with Article 14 or an order as set out in Article 8, the information referred to in points (b) to (d) of paragraph 2;***

Or. en

**Amendment 1735**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

**Proposal for a regulation**

**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Very large online platforms that display advertising on their online interfaces shall conduct at their own***

*expense, upon the request of advertisers, independent audits performed by organisations complying with the criteria set out in Article 28(2), on a reasonable frequency, under fair and proportionate conditions agreed upon between platforms and advertisers to:*

*(a) conduct quantitative and qualitative assessment of cases where advertising is associated with illegal content or with content incompatible with their terms and conditions;*

*(b) detect fraudulent use of their services to fund illegal activities;*

*(c) assess the performance of their tools in terms of brand safety.*

*The report shall include an audit opinion of the performance of the tools of a very large online platform in terms of brand safety, either positive, positive with comments or negative. Where the audit opinion is not positive, operational recommendations for specific measures to achieve compliance shall be provided.*

*Very large online platforms shall make the result of that audit available to advertisers upon their request.*

Or. en

#### *Justification*

*Proposal to address the recurring difficulties of advertisers in obtaining information on the quality and performance of their advertising campaigns, which remain continuously dependent on the tools and metrics provided by the platforms, without any possibility for them to test and verify these "proprietary" indicators of the platforms ("black box" effect). To this end, advertisers are asking for the ability to audit these proprietary metrics by third parties independent from the platforms. The objective of these independent brand safety audits is to allow brands and advertisers to verify the accuracy and precision of the reports established unilaterally by the platforms.*

#### **Amendment 1736**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**  
**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. When very large online platforms sell advertising for display on their online interface, the contract signed with the buyer or the buyer's representative includes a clause providing that the platform guarantees that no content adjacent to the advertisement is incompatible with the terms and conditions of the platform or with the law of the Member States of residence of the recipients of the service to whom the advertisement will be displayed. Any clause to the contrary shall be null and void.**

Or. en

**Amendment 1737**

**Andreas Schieder, Christel Schaldemose, Evelyne Gebhardt, Maria Grapini, Paul Tang, Marc Angel**

**Proposal for a regulation**  
**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The archive must be easily accessible for users and contain a complaint and reporting option for users directly addressed to the platform and the responsible advertising service provider. The requirements for notifications under Art 14 also apply to notifications and complaints about advertising content.**

Or. en

**Amendment 1738**

**Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Adrián Vázquez Lázara, Sandro Gozi**

**Proposal for a regulation**  
**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Very large online platforms shall be prohibited from profiling children under the age of 16 for commercial practices, including personalized advertising, in compliance with industry-standards laid down in Article 34 and Regulation (EU) 2016/679.**

Or. en

**Amendment 1739**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Laurence Farreng, Stéphane Séjourné, Christophe Grudler, Karen Melchior**

**Proposal for a regulation**  
**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Board shall, after consulting trusted flaggers and vetted researchers, publish guidelines on the structure and organisation on repositories created pursuant to paragraph 1.**

Or. en

**Amendment 1740**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**  
**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Board shall, after consulting with trusted flaggers and vetted**

*researchers, publish guidelines on the structure and organisation of repositories created pursuant to paragraph 1.*

Or. en

*Justification*

*Due to the nature of the repositories, and before a standard is created, it is normal that the board would give some first guidelines.*

**Amendment 1741**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The online platform shall make reasonable efforts to ensure that the information referred to in paragraph 2 is accurate and complete.**

Or. en

*Justification*

*The DSA should impose procedural requirements on platforms regarding to verify the identity of ad buyers. While it is impossible for the DSA to tackle fraud, dark money and prevent advertisers from funding proxy agents to buy ads in their own name, VLOPS can be expected to verify ad buyers' identity claims. Facebook has already ramped up the verification procedures for its "Ad Library", and started requiring more extensive documentation from prospective ad buyers, such as a proof of address or personal identification.*

**Amendment 1742**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 30 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Very large online platforms that**

*display advertising on their online interfaces shall conduct at their own expense, upon the request of advertisers and publishers, independent audits performed by organisations complying with the criteria set in Article 28(2), on a reasonable frequency, under fair and proportionate conditions agreed upon platforms, advertisers and publishers, to:*

*(a) conduct a quantitative and qualitative assessment of cases where advertising is associated with illegal content;*

*(b) detect fraudulent use of their services to fund illegal activities;*

*(c) assess the performance of their tools in terms of brand safety*

*The report shall include an audit opinion on the performance of their tools in terms of brand safety, either positive, positive with comments or negative and where the audit opinion is not positive, operational recommendations on specific measures to achieve compliance. These platforms shall make available to advertisers and publishers, upon their request, the results of that audit.*

Or. en

**Amendment 1743**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 30 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Where a very large online platform becomes aware that a piece of content is a deep fake, the provider shall label the content in a way that informs that the content is inauthentic and that is clearly**

*visible for the recipient of the services.*

Or. en

*Justification*

*Deep Fakes are increasingly a problem online as technology improves. Therefore it is correct to label such content when a VLOP becomes aware of it. This, however, does not require that a VLOP to actively seek out such deep fakes or to remove them unless illegal.*

**Amendment 1744**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Karen Melchior, Laurence Farreng, Stéphane Séjourné, Marco Zullo**

**Proposal for a regulation**

**Article 30 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Very large online platforms shall make their best effort to detect inauthentic videos ('deep fakes'). When detecting such videos, they should label them as inauthentic in a way that is clearly visible for the internet user.**

Or. en

**Amendment 1745**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 30 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The very large online platform shall design and organise its online interface in such a way that recipients of the service can easily and efficiently exercise their rights under applicable Union law in relation to the processing of their data for each specific advertisement displayed to the data subject on the platform, in particular:**

*(a) to withdraw consent or to object to processing;*

*(b) to obtain access to the data concerning the data subject;*

*(c) to obtain rectification of inaccurate data concerning the data subject;*

*(d) to obtain erasure of data without undue delay.*

*Where a recipient exercises any of these rights, the online platform must inform any parties to whom the personal data concerned in points (a) to (d) have been enclosed.*

Or. en

*Justification*

*Recipients should have an easy and active way of interacting with advertising and control data exchange. This, however, does not effect the ability of the online platform from then excluding a recipient from its service.*

**Amendment 1746**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 30 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. Very large online platforms selling advertising for display on their online interface, shall ensure via standard contractual clauses with the purchasers of advertising space that the content with which the advertisement is associated is compliant with the terms and conditions of the platform, or with the law of the Member States where the recipients of the service to whom the advertisement will be displayed is located.***

Or. en



**Amendment 1747**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 30 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. Very large online platforms that display advertising on their online interfaces shall conduct at their own expense, and upon request of advertisers, independent audits performed by organisations complying with the criteria set out in Article 28(2). Such audits shall be based on fair and proportionate conditions agreed between platforms and advertisers, shall be conducted with a reasonable frequency and shall entail:***

***(a) conducting quantitative and qualitative assessment of cases where advertising is associated with illegal content or with content incompatible with platforms' terms and conditions;***

***(b) monitoring for and detecting of fraudulent use of their services to fund illegal activities;***

***(c) assessing the performance of their tools in terms of brand safety.***

***The audit report shall include opinion on the performance of platforms' tools in terms of brand safety. Where the audit opinion is not positive, the report shall make operational recommendations to the platforms on specific measures in order to achieve compliance.***

***The platforms shall make available to advertisers, upon request, the results of such audit.***

Or. en

**Amendment 1748**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 30 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. Where a recipient exercises any of the rights referred to points (a), (c) or (d) in paragraph 2c, the online platform must without undue delay cease displaying advertisements using the personal data concerned or using parameters which were set using this data.**

Or. en

*Justification*

*It is logical that if consent is withdrawn, then data exchange should be stopped. This, however, does not effect the ability of the online platform from then excluding a recipient from its service due to a lack of consent.*

**Amendment 1749**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 30 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

**2e. Very large online platforms that display advertising on their online interfaces shall ensure that advertisers:**

**(a) can request and obtain information on where their advertisements have been placed;**

**(b) can request and obtain information on which broker treated their data;**

*Justification*

*While it is not possible to give such information ex-ante, there is nothing that would prevent granting such information ex-post until the date of the request. In light of the repository, this data should be available.*

**Amendment 1750**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation****Article 31 – paragraph 1***Text proposed by the Commission*

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and ***within a reasonable period***, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

*Amendment*

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and ***without delay***, specified in the request, ***full*** access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes. ***With regard to moderation and recommender systems, very large online platforms shall provide upon request the Digital Services Coordinator or the Commission with access to algorithms and associated data that allow the detection of possible biases which could lead to the dissemination of illegal content, or content that is in breach with their terms and conditions, or presents threats to fundamental rights including freedom of expression. Where a bias is detected, very large online platforms shall expeditiously correct it following the recommendations of the Digital Services Coordinator or the Commission. Very large online platforms should be able to demonstrate their compliance at every step of the process pursuant to this Article.***

### Amendment 1751

Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso

#### Proposal for a regulation

##### Article 31 – paragraph 1

###### *Text proposed by the Commission*

1. Les très grandes plateformes en ligne fournissent au coordinateur de l'État membre d'établissement pour les services numériques ou à la Commission, à leur demande motivée et dans un délai raisonnable, spécifié dans la demande, l'accès aux données nécessaires pour contrôler et évaluer le respect du présent règlement. Le coordinateur pour les services numériques et la Commission limitent l'utilisation de ces données à ces fins.

###### *Amendment*

1. Les très grandes plateformes en ligne fournissent au coordinateur de l'État membre d'établissement ***pour les services numériques, au coordinateur de l'État membre de destination*** pour les services numériques ou à la Commission, à leur demande motivée et dans un délai raisonnable, spécifié dans la demande, l'accès aux données nécessaires pour contrôler et évaluer le respect du présent règlement. Le coordinateur pour les services numériques et la Commission limitent l'utilisation de ces données à ces fins.

### Amendment 1752

Martin Schirdewan, Anne-Sophie Pelletier

#### Proposal for a regulation

##### Article 31 – paragraph 1

###### *Text proposed by the Commission*

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

###### *Amendment*

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, ***any case no longer than 72 hours***, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for

those purposes.

Or. en

### **Amendment 1753**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 31 – paragraph 1**

##### *Text proposed by the Commission*

1. Very large online platforms shall provide the Digital Services Coordinator *of establishment or the Commission, upon their* reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

##### *Amendment*

1. Very large online platforms shall provide the Digital Services Coordinator or *an independent enforcement and monitoring unit of the Agency, upon* reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes

Or. en

### **Amendment 1754**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 31 – paragraph 2**

##### *Text proposed by the Commission*

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the *Commission*, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that

##### *Amendment*

2. Upon a reasoned request from *at least three Digital Services Coordinators of destination*, the Digital Services Coordinator of establishment or the *Agency*, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers, *vetted not-for-profit bodies, organisations or associations or vetted*

contributes to the identification and understanding of systemic risks as set out in Article 26(1).

**media organisations** who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification, **mitigation** and understanding of systemic risks as set out in Article 26(1) **and Article 27(1)**.

Or. en

#### *Justification*

*Adding a possibility for DSCs of destination to request access to platform data for vetted organisations to avoid a bottleneck in the Member State of establishment, which is also in line with the supervision provisions in Article 50.*

#### **Amendment 1755**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation Article 31 – paragraph 2**

##### *Text proposed by the Commission*

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

##### *Amendment*

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article **or civil society organisations engaged in monitoring Rule of Law, Fundamental Rights and European values**, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1) **or educational purposes**.

Or. en

#### **Amendment 1756**

**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

**Proposal for a regulation**  
**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. Sur demande motivée du coordinateur de l'État membre d'établissement pour les services numériques ou de la Commission, les très grandes plateformes en ligne fournissent, dans un délai raisonnable, comme spécifié dans la demande, l'accès aux données à des chercheurs agréés qui satisfont aux exigences énoncées au paragraphe 4 du présent article, à seule fin de procéder à des recherches contribuant à l'identification et à la compréhension des risques systémiques au sens de l'article 26, paragraphe 1.

*Amendment*

2. Sur demande motivée du coordinateur de l'État membre d'établissement ***pour les services numériques, du coordinateur de l'État membre de destination*** pour les services numériques ou de la Commission, les très grandes plateformes en ligne fournissent, dans un délai raisonnable, comme spécifié dans la demande, l'accès aux données à des chercheurs agréés qui satisfont aux exigences énoncées au paragraphe 4 du présent article, à seule fin de procéder à des recherches contribuant à l'identification et à la compréhension des risques systémiques au sens de l'article 26, paragraphe 1.

Or. fr

**Amendment 1757**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in **Article 26(1)**.

*Amendment*

2. Upon a reasoned request from the Digital Services Coordinator of establishment, ***three Digital Services Coordinators of destination*** or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding ***and mitigation*** of systemic risks as set out in **Articles 26 and 27**.

**Amendment 1758**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.

*Amendment*

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate, ***and with an easily accessible and user-friendly mechanism to search for multiple criteria, such as those reported in accordance with the obligations set out in Articles 13, 23 and 33.***

*Justification*

*Access to smaller, specific, and easily searchable datasets is more important to vetted researchers than a large database. The regulation must be attentive to the risk of flooding researchers with unnecessary data that will render the scrutiny of online platforms more difficult.*

**Amendment 1759**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Paul Tang, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.

*Amendment*

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate, ***and with an***



*easily accessible and user-friendly mechanism to search for multiple criteria, such as those reported in accordance with the obligations set out in Articles 13 and 23*

Or. en

**Amendment 1760**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 31 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *Upon request by the recipient of the service, or at least once a year, very large online platforms shall make available to the recipient of the service comprehensive information about the data concerning the recipient of the service that was used in the previous year. The information shall encompass a listing of the data that was collected, how it was used and with what third parties it was shared. Online platforms shall present this information in a way that makes it easy to understand.*

Or. en

**Amendment 1761**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**  
**Article 31 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records

4. In order to be vetted, researchers shall:

of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

*(1) be affiliated with academic institutions within the Union and the institutions certifies that the researcher is a researcher in good standing*

*(2) be independent from commercial interests, including any very large online platforms*

*(3) be independent from any government, administrative or other state bodies, outside the academic institution of affiliation if public,*

*(4) have undergone an independent background and security investigation, subject to the national legislation of the Member State of residence.*

*(5) be a resident of the Union;*

*(6) have proven records of expertise in the fields related to the risks investigated or related research methodologies, and*

*(7) shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.*

Or. en

#### *Justification*

*The rules for being "vetted" should be clearly set down in the Regulation*

#### **Amendment 1762**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 31 – paragraph 4**

*Text proposed by the Commission*

4. In order to be vetted, researchers shall be ***affiliated with academic institutions, be*** independent from commercial interests, have proven records of expertise in the ***fields*** related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

*Amendment*

4. In order to be vetted, researchers shall be independent from commercial interests, ***not receive any funding by any of the very large online platforms as defined in Article 25 and disclose all funding sources***, have proven records of expertise in the ***field*** related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

***In order to be vetted, not-for-profit bodies, organisations or associations have to meet the requirements laid down in Article 68, have statutory objectives which are in the public interest, and have expertise related to the fields referred to in Article 26.***

Or. en

**Amendment 1763**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation  
Article 31 – paragraph 4**

*Text proposed by the Commission*

4. In order to be vetted, researchers ***shall be*** affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

*Amendment*

4. In order to be vetted, researchers affiliated with academic institutions, ***journalists, civil society organisations or international organisations representing the public interest, shall*** be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Or. en

## *Justification*

*To ensure effective monitoring of this regulation and international cooperation, also the researchers from the organisations such as NATO, OECD, WHO etc. should have possibility to be vetted and acquire the relevant data. The research community encompasses a wide variety of actors, not only researchers affiliated with academic institutions. Moreover, the GDPR provides safeguards and derogations relating to the processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in article 89.*

### **Amendment 1764** **Róża Thun und Hohenstein**

#### **Proposal for a regulation** **Article 31 – paragraph 4**

##### *Text proposed by the Commission*

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

##### *Amendment*

4. In order to be vetted, researchers shall be affiliated with academic institutions *or civil society organisations*, be independent from commercial interests, *disclose the funding for their research*, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Or. en

### **Amendment 1765** **Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

#### **Proposal for a regulation** **Article 31 – paragraph 4**

##### *Text proposed by the Commission*

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from

##### *Amendment*

4. In order to be vetted, *scientific* researchers shall be affiliated with academic institutions, be independent from

commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

commercial interests ***and the very large online platform it seeks data from***, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Or. en

#### **Amendment 1766**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 4**

##### *Text proposed by the Commission*

4. Pour pouvoir être agréés, les chercheurs sont affiliés à des établissements universitaires, sont indépendants de tous intérêts commerciaux, possèdent une expertise attestée dans les domaines en lien avec les risques examinés ou les méthodologies de recherche connexes, et ils s'engagent à respecter les exigences spécifiques de sécurité des données et de confidentialité correspondant à chaque demande et en ont les moyens.

##### *Amendment*

4. Pour pouvoir être agréés ***par les coordinateurs pour les services numériques***, les chercheurs sont affiliés à des établissements universitaires ***européens***, sont indépendants de tous intérêts commerciaux, possèdent une expertise attestée dans les domaines en lien avec les risques examinés ou les méthodologies de recherche connexes, et ils s'engagent à respecter les exigences spécifiques de sécurité des données et de confidentialité correspondant à chaque demande et en ont les moyens.

Or. fr

#### **Amendment 1767**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 4**

*Text proposed by the Commission*

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

*Amendment*

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, ***disclose the funding of the research***, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Or. en

**Amendment 1768**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 31 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Where a very large online platform or a Digital Services Coordinator has grounds to believe that a researcher is acting outside the purpose of paragraph 2 or no longer respects the conditions of paragraph 4, access to data shall be withdrawn and the Digital Services Coordinator of establishment shall decide if and when access shall be restored and under what conditions.***

Or. en

*Justification*

*There is a real risk that access granted could be abused. Therefore, the regulation must have the tools to allow the review of such cases.*

## Amendment 1769

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation Article 31 – paragraph 5

#### *Text proposed by the Commission*

5. The Commission shall, after consulting the **Board**, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

#### *Amendment*

5. The Commission shall, after consulting the **Agency**, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers, **or not-for-profit bodies, organisations or associations or media organisations** can take place in compliance with Regulation (EU)2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Or. en

## Amendment 1770

Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde

### Proposal for a regulation Article 31 – paragraph 5

#### *Text proposed by the Commission*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such

#### *Amendment*

5. The Commission shall, after consulting the Board, **and no later than one year after entry into force of this legislation**, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used.

sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Or. en

### *Justification*

*The Commission should, without undue delay, encourage a timely adoption of the delegated act. Adding a time limit of one year after entry into force of the legislation will help to avoid protracted negotiations continuing indefinitely while granting the co-legislator and interested parties sufficient time to prepare.*

### **Amendment 1771**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Paul Tang, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

### **Proposal for a regulation Article 31 – paragraph 5**

#### *Text proposed by the Commission*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of

#### *Amendment*

5. The Commission shall, after consulting the Board, ***and no later than one year after entry into force of this legislation***, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of



their service.

confidential information, in particular trade secrets, and maintaining the security of their service.

Or. en

### **Amendment 1772**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 5**

##### *Text proposed by the Commission*

5. Après consultation du Comité, la Commission adopte des actes délégués établissant les conditions techniques dans lesquelles les très grandes plateformes en ligne partagent des données en vertu des paragraphes 1 et 2 et les fins auxquelles les données peuvent être utilisées. Ces actes délégués établissent les conditions spécifiques dans lesquelles ce partage de données avec des chercheurs agréés peut avoir lieu en conformité avec le règlement (UE) 2016/679, en tenant compte des droits et des intérêts des très grandes plateformes en ligne et des bénéficiaires du service concernés, y compris la protection des informations confidentielles, ***notamment le secret des affaires, et en préservant la sécurité de leur service.***

##### *Amendment*

5. Après consultation du Comité, la Commission adopte des actes délégués établissant les conditions techniques dans lesquelles les très grandes plateformes en ligne partagent des données en vertu des paragraphes 1 et 2 et les fins auxquelles les données peuvent être utilisées. Ces actes délégués établissent les conditions spécifiques dans lesquelles ce partage de données avec des chercheurs agréés peut avoir lieu en conformité avec le règlement (UE) 2016/679, en tenant compte des droits et des intérêts des très grandes plateformes en ligne et des bénéficiaires du service concernés, y compris la protection des informations confidentielles.

Or. fr

### **Amendment 1773**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 5**

##### *Text proposed by the Commission*

5. The Commission shall, after consulting the Board, adopt delegated acts

##### *Amendment*

5. The Commission shall, after consulting the Board, adopt delegated acts

laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 **and 2** and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1, **2 and 3a** and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU)2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Or. en

#### **Amendment 1774**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 5**

##### *Text proposed by the Commission*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, ***in particular trade secrets***, and maintaining the security of their service.

##### *Amendment*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information and maintaining the security of their service.

Or. en

## Amendment 1775

Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior

### Proposal for a regulation

#### Article 31 – paragraph 6 – introductory part

##### *Text proposed by the Commission*

6. Within 15 days following receipt of a request as referred to in paragraph **1 and 2**, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested **because one of** following **two** reasons:

##### *Amendment*

6. Within 15 days following receipt of a request as referred to in paragraph **1 and 2**, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested **for the** following reasons:

**(a) in case of request under paragraph 1, a very large online platform does not have and cannot obtain with reasonable effort access to the data;**

**(b) in case of request under paragraph 2, a very large online platform does not have access to the data or providing access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.**

Or. en

## Amendment 1776

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 31 – paragraph 6 – introductory part

##### *Text proposed by the Commission*

6. Dans les 15 jours suivant la réception d'une demande telle que visée aux paragraphes 1 et 2, une très grande plateforme en ligne peut demander au coordinateur de l'État membre d'établissement pour les services

##### *Amendment*

6. Dans les 15 jours suivant la réception d'une demande telle que visée aux paragraphes 1 et 2, une très grande plateforme en ligne peut demander au coordinateur de l'État membre d'établissement pour les services

numériques ou à la Commission, selon le cas, de modifier la demande, lorsqu'elle considère ne pas être en mesure de fournir l'accès aux données demandées pour une des deux raisons suivantes:

numériques, *au coordinateur de l'État membre de destination pour les services numériques* ou à la Commission, selon le cas, de modifier la demande, lorsqu'elle considère ne pas être en mesure de fournir l'accès aux données demandées pour une des deux raisons suivantes:

Or. fr

#### **Amendment 1777**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 31 – paragraph 6 – introductory part**

##### *Text proposed by the Commission*

6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because *one of following two reasons*:

##### *Amendment*

6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because *it does not have access to the data*.

Or. en

#### **Amendment 1778**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 6 – introductory part**

##### *Text proposed by the Commission*

6. Within **15** days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it

##### *Amendment*

6. Within **3** days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it

considers that it is unable to give access to the data requested because *one of following two reasons:*

considers that it is unable to give access to the data requested because

Or. en

**Amendment 1779**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 31 – paragraph 6 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) it does not have access to the data; deleted**

Or. en

**Amendment 1780**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 31 – paragraph 6 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets. deleted**

Or. en

*Justification*

*This is in line with recital 60.*

**Amendment 1781**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 31 – paragraph 6 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.**

*deleted*

Or. en

**Amendment 1782**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 31 – paragraph 6 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) fournir l'accès aux données entraînera d'importantes vulnérabilités pour la *sécurité de son service ou la* protection d'informations confidentielles, *en particulier du* secret des affaires.**

**(b) fournir l'accès aux données entraînera d'importantes vulnérabilités pour la protection d'informations confidentielles *des bénéficiaires, y compris le* secret des affaires.**

Or. fr

**Amendment 1783**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**  
**Article 31 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.**

*deleted*

***The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.***

Or. en

**Amendment 1784**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 31 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. *Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.*** **deleted**

***The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.***

Or. en

**Amendment 1785**  
**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

**Proposal for a regulation**  
**Article 31 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

Le coordinateur de l'État membre d'établissement pour les services numériques ou la Commission statue sur la demande de modification dans les 15 jours et communique à la très grande plateforme en ligne sa décision et, le cas échéant, la demande modifiée et le nouveau délai pour se conformer à la demande.

*Amendment*

Le coordinateur de l'État membre d'établissement ***pour les services numériques, le coordinateur de l'État membre de destination*** pour les services numériques ou la Commission statue sur la demande de modification dans les 15 jours et communique à la très grande plateforme en ligne sa décision et, le cas échéant, la demande modifiée et le nouveau délai pour se conformer à la demande.

Or. fr

**Amendment 1786**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 31 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Digital Service Coordinators and the Commission shall maintain a list containing the vetted researchers, not-for-profit bodies, organisations and association and, once a year, report the following information:***

- a) the number of requests made to them as referred to in paragraphs 1 and 2;***
- b) the number of such requests that have been declined by the Digital Service Coordinator or the Commission and the reasons for which they have been declined;***
- c) the number of such requests that have been declined by the Digital Service Coordinator or the Commission, including the reasons for which they have been declined, following a request to the Digital Service Coordinator or the Commission from a very large online***



*platform to amend a request as referred to in paragraphs 1 and 2.*

Or. en

**Amendment 1787**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 31 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Digital Service Coordinators and the Commission shall, once a year, report the following information:**

**(a) the number of requests made to them as referred to in paragraphs 1 and 2;**

**(b) the number of such requests that have been declined or withdrawn by the Digital Service Coordinator or the Commission and the reasons for which they have been declined or withdrawn, including following a request to the Digital Service Coordinator or the Commission from a very large online platform to amend a request as referred to in paragraphs 1 and 2.**

Or. en

*Justification*

*It is normal that DSCs and the Commission are equally transparent as to their actions and decisions.*

**Amendment 1788**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 31 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a.** *Upon completion of the research envisaged in Article 31(2), the vetted researchers shall make their research publicly available, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2016/679.*

Or. en

**Amendment 1789**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 31 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**7b.** *Digital Service Coordinators and the Commission shall, once a year, report the following information:*

**(a)** *the number of requests made to them as referred to in paragraphs 1 and 2;*

**(b)** *the number of such requests that have been declined by the Digital Service Coordinator or the Commission and the reasons for which they have been declined;*

**(c)** *the number of such requests that have been declined by the Digital Service Coordinator or the Commission, including the reasons for which they have been declined, following a request to the Digital Service Coordinator or the Commission from a very large online platform to amend a request as referred to in paragraphs 1 and 2.*

**Amendment 1790**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 31 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**7b. The Commission shall issue regulatory guidance for very large online platforms and consult with the European Data Protection Board to facilitate the drafting and implementation of codes of conduct at Union level between very large online platforms and vetted researchers, not-for-profit bodies, organisations or associations or media organisation to appropriate technical and organisational safeguards to be implemented before data can be shared pursuant to paragraphs 1 and 2.**

**Amendment 1791**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 31 – paragraph 7 c (new)**

*Text proposed by the Commission*

*Amendment*

**7c. Upon completion of the research envisaged in Article 31(2), the vetted researchers, not-for-profit bodies, organisations or associations or media organisations, shall make their research publicly available, while fully respecting the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2016/679.**

**Amendment 1792**

**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

**Proposal for a regulation**

**Article 32 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) coopérer avec le coordinateur de l'État membre d'établissement pour les services numériques et la Commission aux fins du présent règlement;

*Amendment*

(a) coopérer avec le coordinateur de l'État membre d'établissement pour les services numériques, **le coordinateur de l'État membre de destination pour les services numériques** et la Commission aux fins du présent règlement;

Or. fr

**Amendment 1793**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 32 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) cooperating with the Digital Services Coordinator of establishment **and** the Commission for the purpose of this Regulation;

*Amendment*

(a) cooperating with the Digital Services Coordinator of establishment, the Commission **and the Board** for the purpose of this Regulation;

Or. en

**Amendment 1794**

**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

**Proposal for a regulation**

**Article 32 – paragraph 5**

*Text proposed by the Commission*

5. Les très grandes plateformes en

*Amendment*

5. Les très grandes plateformes en

ligne communiquent le nom et les coordonnées du responsable de la conformité ***au coordinateur de l'État membre d'établissement*** pour les services numériques et à la Commission.

ligne communiquent le nom et les coordonnées du responsable de la conformité ***aux coordinateurs*** pour les services numériques et à la Commission.

Or. fr

**Amendment 1795**  
**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Article 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 32a***

***Points of contact established by very large online platforms***

***1. Very large online platforms shall make their points of contacts referred to in Article 10 also accessible for professional entities which are under a specific relationship with the provider of intermediary services such as business users.***

***2. Direct communication, by electronic means and by telephone, shall be possible in the language of the terms and conditions which govern the contractual relationship between the provider of the online platform and the business user concerned.***

***3. A substantive written response to the request shall be provided within seven days.***

Or. en

**Amendment 1796**  
**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**  
**Article 33 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.

*Amendment*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months. ***The reports shall include information disaggregated by Member State and clearly stating the human and technical resources allocated for the purpose of content moderation for each official EU language.***

Or. en

*Justification*

*Large online platforms need to demonstrate that commitments to address disinformation are adequately satisfied across all Member States. For that purpose they need to provide data disaggregated by Member State and language market and also report on the resources devoted to fact-checking and content moderation in each Member State.*

**Amendment 1797**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 33 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.

*Amendment*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months ***in a standardised, machine-readable and easily accessible format.***

Or. en

**Amendment 1798**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 33 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every *six* months.

*Amendment*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every *twelve* months.

Or. en

**Amendment 1799**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 33 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Such reports shall include content moderation information separated and presented for each Member State in which the services are offered and for the Union as a whole. The reports shall be published in at least one of the official languages of the Member States of the Union in which services are offered.***

Or. en

*Justification*

*In order to allow a better understanding of the reporting data, it should be presented in both a Member State and Union level of detail.*

**Amendment 1800**  
**Marco Zullo**

**Proposal for a regulation**  
**Article 33 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

*Amendment*

2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available, ***communicate to their recipients of the service*** and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

Or. en

**Amendment 1801**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 33 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) aggregate numbers for the total views and view rate of content prior to a removal on the basis of orders issued in accordance with Article 8 or content moderation engaged in at the provider's own initiative and under its terms and conditions.***

Or. en

*Justification*

*Adds transparency to see how effective VLOPs are when removing content, and how often a piece of content was viewed or shared before it is taken down.*



**Amendment 1802**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 33 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The reports shall include content moderation broken down per Member State in which the services are offered and in the Union as a whole and shall be published in the official languages of the Member States of the Union.**

Or. en

**Amendment 1803**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 33 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.** *deleted*

Or. en

**Amendment 1804**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Paul Tang, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 33a*

*Algorithm accountability*

- 1. When using automated decision-making, the very large online platform shall perform an assessment of the algorithms used.**
- 2. When carrying out the assessment referred into paragraph 1, the very large online platform shall assess the following elements:**
  - (a) the compliance with corresponding Union requirements;**
  - (b) how the algorithm is used and its impact on the provision of the service;**
  - (c) the impact on fundamental rights, including on consumer rights, as well as the social effect of the algorithms; and**
  - (d) whether the measures implemented by the very large online platform to ensure the resilience of the algorithm are appropriate with regard to the importance of the algorithm for the provision of the service and its impact on elements referred to in point (c).**
- 3. When performing its assessment, the very large online platform may seek advice from relevant national public authorities, researchers and non-governmental organisations.**
- 4. Following the assessment, referred to in paragraph 2, the very large online platform shall communicate its findings to the Commission. The Commission shall be entitled to request additional explanation on the conclusion of the**

*findings, or when the additional information on the findings provided are not sufficient, any relevant information on the algorithm in question in relation to points a), b), c) and d) of Paragraph 2. The very large online platform shall communicate such additional information within a period of two weeks following the request of the Commission.*

*5. Where the very large online platform finds that the algorithm used does not comply with point (a), or (d) of paragraph 2 of this Article, the provider of the very large online platform shall take appropriate and adequate corrective measures to ensure the algorithm complies with the criteria set out in paragraph 2.*

*6. Where the Commission finds that the algorithm used by the very large online platform does not comply with point (a), (c), or (d) of paragraph 2 of this Article, on the basis of the information provided by the very large online platform, and that the very large online platform has not undertaken corrective measures as referred into Paragraph 5 of this Article, the Commission shall recommend appropriate measures laid down in this Regulation to stop the infringement.*

Or. en

#### *Justification*

*In order to ensure that the algorithms does not impact the fundamental rights and complies with corresponding Union requirements, the very large online platforms must be oblige to perform an assessment of the algorithm used. In addition, the online platform should communicate the findings of their assessments to the Commission.*

**Amendment 1805**  
**Róża Thun und Hohenstein**

**Proposal for a regulation**  
**Article 33 a (new)**

***Article 33a***

***Algorithmic accountability***

- 1. Very large online platforms that deploy algorithms in content moderation systems, recommender systems and systems for selecting and displaying advertisements shall provide the Commission with the necessary information to perform an assessment of the algorithms used.***
- 2. When carrying out the assessment referred into paragraph 1, the Commission shall assess the following elements:***
  - a) the compliance with corresponding Union requirements;***
  - b) how the algorithm is used by the very large online platform and its impact on the provision of the service;***
  - c) the impact on fundamental rights, including on consumer rights, as well as the social effect of the algorithms; and***
  - d) whether the measures implemented by the very large online platform to ensure the resilience of the algorithm are appropriate with regard to the importance of the algorithm for the provision of the service and its impact on elements referred to in point (c).***
- 3. When performing their assessment, the Commission may seek advice from relevant national public authorities, researchers and non-governmental organisations.***
- 4. Following the assessment, referred to in paragraph 2, the Commission shall communicate its findings to the very large online platforms and allow them to provide additional explanation on the conclusion of the findings within a period of two weeks.***

**5. The Commission shall make the results of the assessments publicly available, including explanations provided by very large online platforms, without prejudice to Directive (EU) 2016/943.**

**6. Where the Commission finds that the algorithm used by the very large online platform does not comply with point (a), (c), or (d) of paragraph 2 of this Article, the Commission shall take appropriate measures laid down in this Regulation to stop the infringement, in particular in regard to changes in the design of the algorithm.**

Or. en

#### **Amendment 1806**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 33a*

*Interoperability*

**1. Very large online platforms shall make the core functionalities of their services interoperable to enable cross-platform exchange of information with third parties. Very large online platforms shall publicly document all application programming interfaces they make available to that end.**

**2. Very large online platforms may only limit access to their core functionalities temporarily and in exceptional circumstances, when justified by an obligation under Article 18 of Directive [XX] on measures for a high common level of cybersecurity across the Union, repealing Directive (EU)**

***2016/1148 or Article 32(1)(c) of Regulation (EU) 2016/679 . Such limitations shall be notified within 24 hours to affected third parties and to the Agency. The Agency may require such limitations to be removed or modified where it decides by majority vote they are unnecessary or disproportionate.***

***3. Very large online platforms shall not make commercial use of any of the data that is generated or received from third parties as a result of interoperability activities for purposes other than enabling those activities. Any processing of personal data related to those activities shall comply with Regulation (EU) 2016/679, in particular Articles 6(1)(a) and 5(1)(c).***

***4. The Commission shall adopt implementing measures specifying the nature and scope of the obligations set out in paragraph 1, including open standards and protocols such as application programming interfaces.***

Or. en

#### *Justification*

*In line with IMCO INL (resolution 2020/2018(INL), par. 81 and Chapter VII). An interoperability requirement has been recommended in varying forms by the special advisers to European Commission executive vice-president Margrethe Vestager, the UK's Furman and digital advertising reviews, and the US Stigler Report. The EDPS recommends to consider introducing interoperability requirements for very large online platforms (EDPS opinion, par. 84-85). The concentration of power with a few large social media platforms means users have limited choice, particularly on issues of privacy, accessibility, and free expression. Many users do not have a real choice to switch to privacy-friendly and secure alternative platforms because they are locked in platforms becoming more popular, to be able to receive essential messages related to their work, education etc. In order to overcome the lock-in effect of closed platforms and to ensure competition and consumer choice, users of very large platforms shall be given the ability to access cross-platform interaction via open interfaces. The interoperability obligation does not prevent platforms from offering additional and new functions to their users.*

**Amendment 1807**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 33 bis**

***Universele dienstverplichting voor zeer grote sociale onlineplatforms***

- 1. Zeer grote sociale onlineplatforms vervullen een essentiële rol in het publiek debat en sociaal verkeer. Zij zijn belast met een universele dienstverplichting om in beginsel eenieder toe te laten op hun platform inhoud te plaatsen en te ontvangen. Zij verlenen deze dienst zonder discriminatie.***
- 2. Zeer grote sociale onlineplatforms verwijderen eigenmachtig enkel manifest illegale inhoud die verband houdt met ernstige misdrijven.***
- 3. In geval van misbruik zoals omschreven in artikel 20, lid 1, kunnen zeer grote sociale onlineplatforms hun diensten tijdelijk opschorten ten aanzien van de afnemers van de dienst die frequent manifest illegale inhoud verstrekken. Zij houden bij hun beoordeling overeenkomstig artikel 20, lid 3 en lid 3 bis, in het bijzonder rekening met de universele dienstverplichting die hen in beginsel is opgelegd.***
- 4. Eventuele tarieven voor het gebruik van de universele dienst zijn objectief, transparant, niet-discriminerend en billijk.***

Or. nl

**Amendment 1808**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 33a**

**Algorithm transparency**

- 1. When using automated decision making, the very large online platform shall upon request provide the Commission with the necessary information to assess the algorithms used.**
- 2. When carrying out the assessments referred to in paragraph 1, the Commission shall consider the following elements:**
  - (a) the compliance with corresponding Union requirements;**
  - (b) potential negative effects on fundamental rights, including on consumer rights, through dissemination of illegal content;**
- 3. Following an assessment the Commission shall communicate its findings to the very large online platform and allow it to provide additional explanation.**
- 4. Where the Commission finds that the algorithm used by the very large online platform does not comply with point (a) or (b) of paragraph 2 of this Article, the Commission shall inform the Digital Service Coordinator of establishment of the very large online platform.**

Or. en

**Amendment 1809**

**Evelyne Gebhardt, Andreas Schieder, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Maria-Manuel Leitão-Marques, Brando Benifei, Paul Tang, Monika Beňová**



**Proposal for a regulation**  
**Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 33a**

**Interoperability**

- 1. Very large online platforms shall provide, by creating and offering an application programming interface, options enabling the interoperability of their core services to other online platforms.**
- 2. Application programming interfaces should be easy to use, while the processing of personal data shall only be possible in a manner that ensures appropriate security of these data. Measures under paragraph (1) may not limit, hinder or delay the ability of content hosting platforms to fix security issues, nor should the need to fix security issues lead to an undue delay for the provision on interoperability.**
- 3. This Article is without prejudice to any limitations and restrictions set out in Regulation (EU) 2016/679.**

Or. en

*Justification*

*Interoperability increases the ability of consumers to choose among competing platforms, thereby it ensures a competitive digital market and tackles problems such as user lock-in.*

**Amendment 1810**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 33a**

**Interoperability of very large platforms**

1. *Very large platforms shall offer, through technical interfaces, options for other platforms to interoperate with their core services.*
2. *Measures under paragraph one shall complement, without prejudice to their application, the rules under the Regulation (EU) 2016/679 of the European Parliament and of the Council.*
3. *Interfaces for ensuring interoperability should be easy to use and personal data shall be processed in a manner that ensures appropriate security of the personal data. The obligation under paragraph one shall not be construed as preventing platforms from taking reasonable efforts to address security issues.*

Or. en

#### **Amendment 1811**

**Evelyne Gebhardt, Andreas Schieder, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Maria-Manuel Leitão-Marques, Monika Beňová**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:

##### *Amendment*

1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies, ***and whenever available widely-used information and communication technology standards that meet the requirements set out in Annex II of Regulation No. 1025/2012***, at least for the following:

Or. en

## *Justification*

*In the current state widely-used standards do already exist, for example in the messaging and social media sphere, with a huge number of active users. Requesting the industry to agree on a standard would most likely take several years. Therefore, the Commission should be in the position to actively identify such existing standards. Annex II of Regulation 1025/12 includes a process to do such a selection in respect to openness, consensus and transparency.*

### **Amendment 1812**

**Karen Melchior**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. The Commission shall support and promote the development and implementation of ***voluntary industry*** standards set by relevant European and international standardisation bodies at least for the following:

##### *Amendment*

1. The Commission shall support and promote the development and implementation of standards set by relevant European and international standardisation bodies ***subject to transparent, multistakeholder and inclusive processes in line with Regulation (EU) No. 1025/2012***, at least for the following:

Or. en

### **Amendment 1813**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:

##### *Amendment*

1. ***Where necessary to achieve agreed and clearly defined public objectives***, the Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:

Or. en

#### **Amendment 1814**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. La Commission soutient et encourage le développement et la mise en œuvre de normes sectorielles volontaires établies par les organismes de normalisation européens et internationaux pertinents au minimum pour les aspects suivants:

##### *Amendment*

1. ***Le Comité, en coopération avec*** la Commission, soutient et encourage le développement et la mise en œuvre de normes sectorielles volontaires établies par les organismes de normalisation européens et internationaux pertinents au minimum pour les aspects suivants:

Or. fr

#### **Amendment 1815**

**Ramona Strugariu, Vlad-Marius Botos**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:

##### *Amendment*

1. The Commission shall support and promote the development and implementation of voluntary industry standards ***or standardisation deliverables*** set by relevant European and international standardisation bodies at least for the following:

Or. en

#### **Amendment 1816**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) electronic submission of notices under Article 14;

(a) electronic submission of notices under Article 14 ***in a manner that permits the logging and, where possible, the automatic publication of all relevant statistical data;***

Or. en

**Amendment 1817**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) elektronische indiening van berichten door betrouwbare flaggers volgens artikel 19, ook via interfaces voor applicatieprogrammering;***

***Schrappen***

Or. nl

**Amendment 1818**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;***

***deleted***

Or. en

## **Amendment 1819**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;

*Amendment*

(b) electronic submission of notices by trusted flaggers under Article 19, including, ***if necessary***, through application programming interfaces, ***and which permit the logging and, where possible, the automatic publication of all relevant statistical data***;

Or. en

## **Amendment 1820**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) terms and criteria for the submission of notices in a diligent manner by trusted flaggers under Article 19;***

Or. en

## **Amendment 1821**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) specific interfaces, including

*Amendment*

(c) specific interfaces, including

application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;

application programming interfaces *or other mechanisms*, to facilitate compliance with the obligations set out in Articles 30 and 31;

Or. en

#### **Amendment 1822**

**Evelyne Gebhardt, Andreas Schieder, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Maria-Manuel Leitão-Marques, Monika Beňová**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) interoperability of the advertisement repositories referred to in Article 30(2);

*Amendment*

(e) interoperability of the advertisement repositories referred to in Article 30(2), *and the APIs referred to in Article 33a*;

Or. en

*Justification*

*In line with the additional Article 33a on interoperability.*

#### **Amendment 1823**

**Karen Melchior**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant *to points (b) and (c) of* Article 24.

*Amendment*

(f) *transparency obligations under Article 24 and* transmission of data between advertising intermediaries in support of transparency obligations pursuant Article 24.

Or. en

**Amendment 1824**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) accessibility of elements and functions of online platforms and digital services for persons with disabilities***

Or. en

**Amendment 1825**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) accessibility of elements and functions of online platforms and digital services for persons with disabilities aiming at consistency and coherence with existing harmonised accessibility requirements when these elements and functions are not already covered by existing harmonised European standards.***

Or. en

*Justification*

*The European Commission, as obliged by the UN CRPD, should promote and facilitate accessibility for persons with disabilities, including through promotion of technical standards such as EN301 549 (Accessibility requirements for ICT products and services). This is already done for other Union laws aiming to advance accessibility for persons with disabilities (e.g. Web Accessibility Directive).*

**Amendment 1826**  
**Alex Agius Saliba, Christel Schaldemose**



**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) accessibility of elements and functions of online platforms and digital services for persons with disabilities aiming at consistency and coherence with existing harmonised accessibility requirements when these elements and functions are not already covered by existing harmonised European standards***

Or. en

*Justification*

*The European Commission, as obliged by the UN CRPD, should promote and facilitate accessibility for persons with disabilities, including through promotion of technical standards such as EN301 549 (Accessibility requirements for ICT products and services). This is already done for other Union laws aiming to advance accessibility for persons with disabilities (e.g. Web Accessibility Directive).*

**Amendment 1827**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) accessibility of elements and functions of online platforms and digital services for persons with disabilities aiming at consistency and coherence with existing harmonised accessibility requirements when these elements and functions are not already covered by existing harmonised European standards***

Or. en

*Justification*

*If accessibility requirements are mandated, then additional standards should be created. These new standards would build upon existing standards on web accessibility and other accessibility standards.*

**Amendment 1828**

**Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**

**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) self-regulatory, certifiable and machine-readable criteria for the transparency of ownership and professionalism of editorial processes to identify reliable sources of information pursuant to Article 24 a;*

Or. en

**Amendment 1829**

**Ivan Štefanec**

**Proposal for a regulation**

**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) protection and promotion of children's rights and wellbeing harmonized with the UN Convention on the Rights of the Child and the Convention's General Comment 25.*

Or. en

**Amendment 1830**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(fa) transparency reporting obligations pursuant to Article 13;**

Or. en

**Amendment 1831**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

**(fb) accessibility of elements and functions of online platforms and digital services for persons with disabilities aiming at consistency and coherence with existing harmonised accessibility requirements when these elements and functions are not already covered by existing harmonised European standards;**

Or. en

*Justification*

*The European Commission, as obliged by the UN CRPD, should promote and facilitate accessibility for persons with disabilities, including through promotion of technical standards such as EN301 549 (Accessibility requirements for ICT products and services). This is already done for other Union laws aiming to advance accessibility for persons with disabilities (e.g. Web Accessibility Directive).*

**Amendment 1832**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 34 – paragraph 1 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

***(fb) the design of online interfaces regarding inter alia the acceptance of and changes to terms and conditions, settings, advertising practices, recommender systems, and decisions within the content moderation process to prevent dark patterns;***

Or. en

**Amendment 1833**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 34 – paragraph 1 – point f c (new)**

*Text proposed by the Commission*

*Amendment*

***(fc) electricity, water and heat consumption, including such consumption caused by artificial intelligence and recommender systems by very large online platforms;***

Or. en

**Amendment 1834**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 34 – paragraph 1 – point f d (new)**

*Text proposed by the Commission*

*Amendment*

***(fd) data sufficiency, aiming at the reduction of data generation, in particular traffic data, including the reduction of associated electricity, water and heat consumption and resources from data centres.***

**Amendment 1835**

**Liesje Schreinemaker, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Adrián Vázquez Lázara, Sandro Gozi**

**Proposal for a regulation**

**Article 34 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall support and promote the development and implementation of industry standards set by relevant European and international standardisation bodies for the protection and promotion of the rights of the child, observance of which, once adopted will be mandatory for very large online platforms, at least for the following:***

- a. age assurance and age verification;***
- b. child impact assessments;***
- c. child-centred and age-appropriate design;***
- d. child-centred and age-appropriate terms and conditions.***

**Amendment 1836**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 34 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Ces normes présentent un haut niveau de qualité et ne peuvent avoir pour effet de diminuer les obligations nées de la législation applicable. Lorsqu'elles sont adoptées par des plateformes en ligne, les rapports prévus aux articles 26, 27 et 28***

*les prennent en compte dans leur examen. Le Comité, la Commission et les coordinateurs pour les services numériques compétents en tiennent également compte pour ce qui les concerne en application des mêmes articles.*

Or. fr

**Amendment 1837**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 34 – paragraph 2**

*Text proposed by the Commission*

2. La Commission soutient la mise à jour des normes à la lumière des évolutions technologiques et du comportement des bénéficiaires des services en question.

*Amendment*

2. ***Le Comité, en coopération avec*** la Commission, soutient la mise à jour des normes à la lumière des évolutions technologiques et du comportement des bénéficiaires des services en question.

Or. fr

**Amendment 1838**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 34 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question.

*Amendment*

2. The Commission shall support the update of the standards ***and guidelines*** in the light of technological ***and legislation*** developments and the behaviour of the recipients of the services in question.

Or. en

**Amendment 1839**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Alex Agius Saliba, Ioan-Rareş Bogdan, Josianne Cutajar, Eva Kaili**

**Proposal for a regulation**

**Article 34 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall support and promote the development and implementation of industry standards set by relevant European and international standardisation bodies for the protection and promotion of the rights of the child, observance of which, once adopted, will be mandatory, at least for the following:**

- (a) age assurance and age verification pursuant to Article 13;**
- (b) child impact assessments pursuant to Article 13;**
- (c) age-appropriate terms and conditions pursuant to Article 12;**
- (d) child-centred design pursuant to Article 13.**

Or. en

**Amendment 1840**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 34 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where any of the standards under paragraph 1 have not been adopted by [24 months of the entry into force of this regulation], the Commission may adopt a delegated act in accordance with Article 69 to set down rules, guidelines or a template for the harmonised application**

*of the applicable articles.*

*Once a standard has been established, the Commission shall cease work on or withdraw its delegated act if already adopted.*

Or. en

*Justification*

*It is in the interest of all users to have harmonised systems across all providers. The industry should have a chance to agree this amongst themselves. But if they cannot do so in a reasonable period of time, the Commission should be empowered to do so.*

**Amendment 1841**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 34 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. At least with regard to points (a), (b) and (ba new) of paragraph 1, the Commission shall carry out thorough impact assessments before implementation in order to ensure compliance with Union law. In particular, such mechanisms shall not lead to restrictions being automatically imposed on notified content.**

Or. en

**Amendment 1842**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 34 – paragraph 2 a (new)**



*Text proposed by the Commission*

*Amendment*

**2a. The absence of such standards as defined in this article should not prevent the timely implementation of the measures outlined in this regulation.**

Or. en

**Amendment 1843**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 35**

*Text proposed by the Commission*

*Amendment*

**Article 35**

**supprimé**

**Codes de conduite**

**1. La Commission et le Comité encouragent et facilitent l'élaboration de codes de conduite au niveau de l'Union pour contribuer à la bonne application du présent règlement, en tenant compte notamment des difficultés spécifiques à surmonter pour faire face à différents types de contenus illicites et de risques systémiques, conformément au droit de l'Union, notamment en matière de concurrence et de protection des données à caractère personnel.**

**2. Lorsqu'un risque systémique important au sens de l'article 26, paragraphe 1, apparaît et concerne plusieurs très grandes plateformes en ligne, la Commission peut inviter les très grandes plateformes en ligne concernées, d'autres très grandes plateformes en ligne, d'autres plateformes en ligne et d'autres fournisseurs de services intermédiaires, le cas échéant, ainsi que des organisations de la société civile et d'autres parties intéressées, à participer à l'élaboration de codes de conduite, y compris en établissant des engagements**

*consistant à adopter des mesures spécifiques d'atténuation des risques, ainsi qu'un cadre pour la présentation de rapports réguliers concernant les mesures adoptées et leurs résultats.*

*3. En donnant effet aux paragraphes 1 et 2, la Commission et le Comité s'efforcent de garantir que les codes de conduite établissent clairement leurs objectifs, contiennent des indicateurs de performance clés pour mesurer la réalisation de ces objectifs et tiennent dûment compte des besoins et des intérêts de toutes les parties intéressées, y compris des citoyens, au niveau de l'Union. La Commission et le Comité s'efforcent également de garantir que les participants communiquent régulièrement à la Commission et à leurs coordinateurs respectifs de l'État membre d'établissement pour les services numériques les mesures qu'ils adoptent et leurs résultats, mesurés par rapport aux indicateurs de performance clé qu'elles contiennent.*

*4. La Commission et le Comité évaluent si les codes de conduite satisfont aux objectifs spécifiés aux paragraphes 1 et 3, et contrôlent et évaluent régulièrement la réalisation de leurs objectifs. Ils publient leurs conclusions.*

*5. Le Comité contrôle et évalue régulièrement la réalisation des objectifs des codes de conduite, en tenant compte des indicateurs de performance clés qu'ils peuvent contenir.*

Or. fr

**Amendment 1844**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 35**

**Article 35**

*deleted*

**Codes of conduct**

- 1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.**
- 2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.**
- 3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they**

*contain.*

4. *The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.*

5. *The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.*

Or. en

#### Amendment 1845

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### Proposal for a regulation Article 35 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission and the **Board** shall **encourage and** facilitate the **drawing up** of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges **of** tackling different types of illegal content and systemic risks, in accordance with Union law, **in** particular on competition and the **protection of personal data**.

##### *Amendment*

1. The Commission and the **Agency** shall facilitate the **drafting and implementation** of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges **and responsibilities involved in comprehensively** tackling different types of illegal content and systemic risks, in accordance with Union law. Particular **attention shall be given to avoiding counterproductive effects** on competition, **data access and security, the general monitoring prohibition** and the **rights of individuals. The Commission and the Agency shall approve and be party to any such code of conduct, in order to ensure adequate accountability and legal redress for individuals.**

Or. en

## Amendment 1846

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### Proposal for a regulation

#### Article 35 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

##### *Amendment*

1. The Commission and the Board shall encourage and facilitate the drawing up of **voluntary** codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data. ***The Commission shall also encourage and facilitate regular review and adaption of the Codes of conduct to ensure that they are fit for purpose.***

Or. en

## Amendment 1847

Karen Melchior

### Proposal for a regulation

#### Article 35 – paragraph 1

##### *Text proposed by the Commission*

1. The Commission and the Board **shall** encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the **proper** application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

##### *Amendment*

1. The Commission and the Board **may** encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the **effective** application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on **consumer protection**, competition and the protection

of personal data, *as well as the Charter of Fundamental Rights*.

Or. en

#### **Amendment 1848**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

##### *Amendment*

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content ***as defined in Union and national law*** and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

Or. en

#### **Amendment 1849**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission and the Board shall ***encourage*** and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition

##### *Amendment*

1. The Commission and the Board shall ***have the right to request*** and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular

and the protection of personal data.

on competition and the protection of personal data.

Or. en

## **Amendment 1850**

**Marcel Kolaja**

### **Proposal for a regulation**

#### **Article 35 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission and the Board ***shall encourage and*** facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and ***systemic risks***, in accordance with Union law, in particular on competition and the protection of personal data.

##### *Amendment*

1. The Commission and the Board ***may*** facilitate the drawing up of ***voluntary*** codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and ***adverse impacts***, in accordance with Union law, in particular on competition and the protection of personal data.

Or. en

## **Amendment 1851**

**Karen Melchior**

### **Proposal for a regulation**

#### **Article 35 – paragraph 2**

##### *Text proposed by the Commission*

2. ***Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes***

##### *Amendment*

***deleted***

*of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.*

Or. en

#### **Amendment 1852**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation Article 35 – paragraph 2**

##### *Text proposed by the Commission*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite *the very large* online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

##### *Amendment*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission, *in agreement with the Board*, may invite online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

#### **Amendment 1853**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Barbara Thaler**

#### **Proposal for a regulation Article 35 – paragraph 2**



*Text proposed by the Commission*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other *interested parties*, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

*Amendment*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other *relevant stakeholders*, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

**Amendment 1854**

**Leszek Miller**

**Proposal for a regulation**

**Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Where significant systemic risk within the meaning of Article **26(1)** emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

*Amendment*

2. Where significant systemic risk within the meaning of Article **26(1)(a)** emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

## Amendment 1855

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 35 – paragraph 2

##### *Text proposed by the Commission*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **may invite** the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

##### *Amendment*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **shall request** the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

## Amendment 1856

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

#### Article 35 – paragraph 2

##### *Text proposed by the Commission*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **may** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and

##### *Amendment*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **shall** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and

other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

### *Justification*

*It is only logical that the Commission would include very large online platforms (and others) to take part in drafting the codes. It is not clear why this would only be an option for the Commission.*

## **Amendment 1857**

**Marcel Kolaja**

### **Proposal for a regulation**

#### **Article 35 – paragraph 2**

#### *Text proposed by the Commission*

2. Where significant **systemic risk** within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

#### *Amendment*

2. Where significant **adverse impacts** within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

## **Amendment 1858**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Where **significant** systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **may** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

*Amendment*

2. Where systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **shall** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

**Amendment 1859**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, **as well as** civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any

*Amendment*

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures

measures taken and their outcomes.

taken and their outcomes.

Or. en

#### **Amendment 1860**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. With the exception of actions under Article 27 (1e), providers of intermediary services shall not be required to subscribe to such codes of conduct other than on a voluntary basis and may withdraw its agreement at anytime.**

Or. en

*Justification*

*Unless a provider is mandated to join a code, as maybe the case of a very large online platform, all codes are voluntary. This should be clearly written down in the regulation*

#### **Amendment 1861**

**Marcel Kolaja**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested**

**deleted**

*parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.*

Or. en

### **Amendment 1862**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation** **Article 35 – paragraph 3**

#### *Text proposed by the Commission*

3. When giving effect to paragraphs 1 *and* 2, the Commission and the **Board** shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of *those* objectives and *take due account of* the needs and interests of all interested parties, including *citizens, at Union level*. The Commission and the **Board** shall also *aim to* ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

#### *Amendment*

3. When giving effect to paragraphs 1 *and/or* 2, the Commission and the **Agency** shall aim to ensure that the codes of conduct:

(a) clearly set out their *specific* objectives;

(b) *define the nature of the public policy problem being addressed and the role of public authorities in complementing the activities undertaken as part of the code;*

(c) contain key performance indicators

to measure the achievement of *their objectives*;

*(d) contain mechanisms for independent evaluation of the achievement of their objectives and to identify or anticipate possible counterproductive impacts;*

*(e) contain mechanisms to adapt or abandon the code if its specific objectives are not being met or if counterproductive impacts are identified;*

*(f) fully respect the needs and interests of all interested parties, including individuals.*

The Commission and the *Agency* shall also ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Or. en

#### *Justification*

*This seeks to give structure to the Commission’s proposal, as well as to align more precisely with Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries and the Council of Europe’s “Best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation,” published in June, 2021.*

### **Amendment 1863 Karen Melchior**

#### **Proposal for a regulation Article 35 – paragraph 3**

##### *Text proposed by the Commission*

3. When giving effect to *paragraphs 1 and 2*, the Commission and the Board shall *aim to* ensure that the codes of conduct *clearly* set out *their* objectives, contain key

##### *Amendment*

3. When giving effect to *paragraph 1*, the Commission and the Board shall *ensure a balanced, inclusive, multistakeholder and transparent*

performance indicators to *measure* the achievement of those *objectives* and take due account of the needs and interests of all interested parties, *including* citizens, at Union level. The Commission and the Board shall also *aim to* ensure that participants report regularly to the Commission and *their respective Digital Service Coordinators of establishment* on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

*governance for the codes of conduct. The Commission and the Board shall ensure the participation and meaningful inclusion of civil society organisations representing the public interest*, that the codes of conduct set out *clear and precise provisions and fundamental rights* objectives, contain *effective and specific* key performance indicators to *evaluate* the achievement of those *measures* and take due account of the needs and interests of all interested parties, *in particular* citizens, at Union level. The Commission and the Board shall also ensure that participants report regularly to the Commission and *the Board* on any measures taken and their outcomes, as measured against the *law and the* key performance indicators that they contain.

Or. en

#### **Amendment 1864**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation Article 35 – paragraph 3**

##### *Text proposed by the Commission*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance

##### *Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance



indicators that they contain.

indicators that they contain. ***Key performance indicators and reporting commitments should take into account differences in size and capacity between different participants.***

Or. en

**Amendment 1865**  
**Leszek Miller, Maria Grapini**

**Proposal for a regulation**  
**Article 35 – paragraph 3**

*Text proposed by the Commission*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

*Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives ***in relation to the dissemination of illegal content***, and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Or. en

**Amendment 1866**  
**Ivan Štefanec**

**Proposal for a regulation**  
**Article 35 – paragraph 3**

*Text proposed by the Commission*

3. When giving effect to paragraphs 1

*Amendment*

3. When giving effect to paragraphs 1

and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, ***in relation to the dissemination of illegal content***, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Or. en

#### **Amendment 1867**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

#### **Proposal for a regulation Article 35 – paragraph 3**

##### *Text proposed by the Commission*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall ***aim to*** ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also ***aim to*** ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of ***establishment on*** any measures taken and their outcomes, as measured against the key performance indicators that they contain.

##### *Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall ensure that the codes of conduct clearly set out their objectives, contain ***a set of harmonised*** key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of any measures taken and their outcomes, as measured against the key performance indicators that they contain ***in order to facilitate effective cross-platform***

*monitoring.*

Or. en

### **Amendment 1868**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Article 35 – paragraph 3**

##### *Text proposed by the Commission*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

##### *Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly *as needed* to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Or. en

##### *Justification*

*Unlike other requirements, codes of conduct are generally voluntary measures, where some actions are one time events and others are ongoing. Therefore any reporting should be done only when it is needed as otherwise the requirement will discourage membership in the codes.*

### **Amendment 1869**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 35 – paragraph 4**

*Text proposed by the Commission*

4. The Commission and the **Board** shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

*Amendment*

4. The Commission and the **Agency** shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate, **at least once a year**, the achievement of their objectives **and include at least the following points:**

**(a) the evolution of the scale and nature of the public policy problem being addressed by the relevant code.**

**(b) the existence or emergence of commercial interests on the part of the online platform that may disincentivise the successful implementation of the code;**

**(c) whether there are adequate safeguards to ensure the rights of individuals and businesses.**

They shall publish their conclusions.

Or. en

**Amendment 1870**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

**Proposal for a regulation**  
**Article 35 – paragraph 4**

*Text proposed by the Commission*

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. **They shall** publish their conclusions.

*Amendment*

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives, **and** publish their conclusions. **Furthermore, they shall ensure that there is common alert mechanism managed at Unions level to allow for real-time and**

*coordinated responses.*

Or. en

**Amendment 1871**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 35 – paragraph 4**

*Text proposed by the Commission*

4. The Commission and the Board **shall** assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and **shall** regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

*Amendment*

4. The Commission and the Board **may** assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and **may** regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

Or. en

**Amendment 1872**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 35 – paragraph 5**

*Text proposed by the Commission*

5. The Board shall regularly monitor and evaluate the achievement of **the objectives of** the codes of conduct, having regard to the key performance indicators that they may contain.

*Amendment*

5. **The Commission and** the Board shall regularly **and transparently** monitor and evaluate the achievement of **or failure to meet** the codes of conduct, having regard to **this Regulation, other applicable law, feedback received by stakeholders, and** the key performance indicators that they may contain. **If the results of the evaluation show the code or codes of conduct are ineffective or that the commitments are not being met, the competent Digital Service Coordinators shall impose effective, proportionate and dissuasive sanctions. In addition, the Commission shall introduce a legislative**

*proposal following the ordinary legislative procedure.*

Or. en



**2020/0361(COD)**

8.7.2021

# **AMENDMENT 1873 - 2158**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))





## Amendment 1873

Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo

### Proposal for a regulation

#### Article 35 – paragraph 5

##### *Text proposed by the Commission*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

##### *Amendment*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. ***In case of systematic and repetitive failure to comply with the Codes of Conduct, the Board shall as a measure of last resort take a decision to temporary suspend or definitely exclude platforms that do not meet their commitments as a signatory to the Codes of Conduct.***

Or. en

## Amendment 1874

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis

### Proposal for a regulation

#### Article 35 – paragraph 5

##### *Text proposed by the Commission*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

##### *Amendment*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. ***In case of systematic and repetitive failure to comply with the Codes of Conduct, the Board shall as a measure of last resort take a decision to temporary suspend or definitely exclude platforms that do not meet their commitments as a signatory to the Codes of Conduct.***

*Justification*

*Providers should fail to honour a code should be potentially excluded from that code.*

**Amendment 1875**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 35 – paragraph 5**

*Text proposed by the Commission*

5. The **Board** shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

*Amendment*

5. The **Agency** shall regularly monitor and evaluate, **at least once a year**, the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

Or. en

**Amendment 1876**

**Marcel Kolaja**

**Proposal for a regulation**  
**Article 35 – paragraph 5**

*Text proposed by the Commission*

5. The Board **shall** regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

*Amendment*

5. The Board **may** regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

Or. en

**Amendment 1877**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 35 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. For each Code of Conduct a European Citizens' Assembly is established that monitors outcomes of the Codes of Conduct, discusses the main issues at stake publicly and sets out public policy recommendations to the Commission. The members of the European Citizens' Assemblies shall be randomly selected so as to be broadly representative of European society elected taking into account gender, age, location, and social class.**

Or. en

**Amendment 1878**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 36**

*Text proposed by the Commission*

*Amendment*

**Article 36**

**deleted**

***Codes of conduct for online advertising***

- 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.***
- 2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information,***

*in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:*

*(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;*

*(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.*

*3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.*

Or. en

**Amendment 1879**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 36**

*Text proposed by the Commission*

*Amendment*

*Article 36*

*deleted*

*Codes of conduct for online advertising*

*1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to*

*further transparency in online advertising beyond the requirements of Articles 24 and 30.*

*2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:*

*(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;*

*(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.*

*3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.*

Or. en

## **Amendment 1880**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online

##### *Amendment*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online

advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30, ***but also to further transparency between all the players involved in the programmatic advertising value chain.***

Or. en

#### **Amendment 1881**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

#### **Proposal for a regulation Article 36 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency *in* online advertising beyond the requirements of Articles 24 and 30.

##### *Amendment*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency ***for all players in the*** online advertising ***value chain.*** beyond the requirements of Articles 24 and 30

Or. en

#### **Amendment 1882**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

#### **Proposal for a regulation Article 36 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency *in* online advertising beyond the requirements of Articles 24 and 30.

*Amendment*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency *for all actors in the* online advertising *value chain*, beyond the requirements of Articles 24 and 30

Or. en

*Justification*

*Due to the complex nature of advertising online, it is important to include all players within the codes of conduct*

**Amendment 1883**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation  
Article 36 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

*Amendment*

1. The Commission shall encourage and facilitate the drawing up of *voluntary* codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

Or. en

**Amendment 1884**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 36 – paragraph 1**

*Text proposed by the Commission*

1. The Commission **shall** encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

*Amendment*

1. The Commission **may** encourage and facilitate the drawing up of **voluntary** codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

Or. en

**Amendment 1885**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 36 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;

*Amendment*

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article **2a new**;

Or. en

**Amendment 1886**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 36 – paragraph 2 – point b**



*Text proposed by the Commission*

(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.

*Amendment*

(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30, ***in particular the information referred to in points (d) and (d a new) of paragraph 2 of Article 30..***

Or. en

**Amendment 1887**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 36 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the set-up of a common or unique identifier constituted by multiple elements (such as the advertiser identifier and references to the brand of the campaign, its product, and the reference of the purchase) which enables advertisers and publishers to identify and track a campaign throughout its lifecycle.***

Or. en

**Amendment 1888**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 36 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the setting-up of unique identifier that will enable advertisers and publishers to identify and track a campaign throughout its lifecycle.***

**Amendment 1889**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 36 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.

*Amendment*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. ***The Commission shall evaluate the application of those codes three years after the application of this Regulation.***

*Justification*

*Once adopted, the Commission should start to evaluate if they are being implemented. If they are not, then further actions could be considered.*

**Amendment 1890**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 36 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.

*Amendment*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. ***The Commission shall evaluate the application of those codes two years after the application of this Regulation.***

**Amendment 1891**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 36 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall encourage all the players in the online advertising value chain to endorse and comply with the commitments stated in the codes of conduct.**

**Amendment 1892**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 36 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall encourage all the actors in the online advertising eco-system to endorse and comply with the commitments stated in the codes of conduct.**

*Justification*

*Due to the complex system of online advertising, it is important that all different actors in the system are party to the codes of conduct*

**Amendment 1893**

**Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Adrián Vázquez Lázara, Sandro Gozi**

**Proposal for a regulation**

**Article 36 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 36a**

***Codes of conduct for the protection of minors***

- 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between online platforms and other relevant services providers and organisations representing minors, parents and civil society organisations or relevant authorities to further contribute to the protection of minors on online.***
- 2. The Commission shall aim to ensure that the codes of conduct pursue an effective protection of minors online, which respects their right as enshrined in Article 24 of the Charter and the UN Convention on the Rights of the Child, and detailed in the United Nations Committee on the Rights of the Child General comment No. 25 as regards the digital environment. The Commission shall aim to ensure that the codes of conduct address at least:***
  - (a) age verification and age assurance models, taking into account the industry standards referred to in article 34.***
  - (b) child-centred and age-appropriate design, taking into account the industry standards referred to in Article 34.***
- 3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of the Regulation and their application no later than six months after that date.***

**Amendment 1894**

**Andreas Schieder, Evelyne Gebhardt, Paul Tang, Marc Angel, Maria-Manuel Leitão-Marques**

**Proposal for a regulation**

**Article 36 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 36a**

***Codes of conduct for short-term holiday rentals***

- 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between online platforms, short-term holiday rental providers, and relevant authorities to contribute to the proper enforcement of the authorization and registration schemes for short-term holiday rentals.***
- 2. The Commission shall aim to ensure that the codes of conduct lead to the development of effective mechanisms for online platforms to verify and track short term holiday rental providers' compliance with national registration and authorization requirements. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.***

Or. en

*Justification*

*The DSA can play a key role in tackling the issue of illegal short term holiday rentals (STRs). Currently, despite the fact that STR providers are subject to clear registration and authorization requirements in many Member States, enforcing such registration schemes has proved difficult. STR providers often advertise their properties without a proper registration number on an online platform and public authorities struggle to identify and order the removal of such properties. The DSA can provide enforcement relief by encouraging the*

*introduction of more automated verification systems through online databases set up by public authorities that platforms could consult to verify that STR providers have received the relevant authorization to market their property.*

**Amendment 1895**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 37**

*Text proposed by the Commission*

*Amendment*

[...]

*supprimé*

Or. fr

**Amendment 1896**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 37**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1897**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of **voluntary** crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting

public health.

public security or public health.

Or. en

**Amendment 1898**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

*Amendment*

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of **voluntary** crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

Or. en

**Amendment 1899**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 37 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Commission **shall** encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

*Amendment*

2. The Commission **may** encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

Or. en

**Amendment 1900**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 37 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;

*Amendment*

(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level ***which are accessible for persons with disabilities;***

Or. en

**Amendment 1901**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 37 – paragraph 3**

*Text proposed by the Commission*

3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols. ***The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.***

*Amendment*

3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols.

Or. en

**Amendment 1902**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 37 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) measures to ensure accessibility for persons with disabilities during***



***implementation of crisis protocols,  
including by providing accessible  
description about these protocols.***

Or. en

*Justification*

*The EU is also obliged by the UN CPRD to protect persons with disabilities in situations of risk and humanitarian emergencies (Article 11). Vitality of emergency public information (Audiovisual Media Services Directive) and emergency communications (European Electronic Communications Code) is well established and appreciated in Union legislation. The DSA should be consistent with this approach as means of implementation of the UN Convention.*

**Amendment 1903**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 37 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) measures to ensure accessibility  
for persons with disabilities during  
implementation of crisis protocols,  
including by providing accessible  
description about these protocols***

Or. en

*Justification*

*The EU is also obliged by the UN CPRD to protect persons with disabilities in situations of risk and humanitarian emergencies (Article 11). Vitality of emergency public information (Audiovisual Media Services Directive) and emergency communications (European Electronic Communications Code) is well established and appreciated in Union legislation. The DSA should be consistent with this approach as means of implementation of the UN Convention.*

**Amendment 1904**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 37 – paragraph 5**

*Text proposed by the Commission*

5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it *may* request the participants to revise the crisis protocol, including by taking additional measures.

*Amendment*

5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it *shall* request the participants to ***remove and, where necessary,*** revise the crisis protocol, including by taking additional measures.

Or. en

**Amendment 1905**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 37 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 37a*

*Accountability and transparency*

***1. Before initiating or facilitating the negotiation or the revision of codes of conduct, the Commission shall***

***(a) consider the appropriateness of proposing legislation;***

***(b) publish the elements of the code which it could propose or advocate;***

***(c) invite the European Parliament, the Council, the Fundamental Rights Agency, the public and, where relevant, the European Data Protection Supervisor to express their opinion and publish their opinions;***

***(d) conduct a Fundamental Rights Impact Assessment and publish the findings.***

***2. The Commission shall subsequently publish the elements of the envisaged code which it intends to propose or advocate in the negotiations. It***

*shall not propose or advocate elements which the European Parliament or the Council object to or which have not been subject to the process set out in paragraph 1.*

*3. The Commission shall allow representatives of non-governmental organisations which advocate the interests of the recipients of relevant services, the European Parliament, the Council and the Fundamental Rights Agency to observe the negotiations and to have access to all documents pertaining to them. The Commission shall offer compensation to non-profit participants.*

*4. The Commission shall publish codes of conduct and their parties and keep the information updated.*

*5. This Article shall apply, mutatis mutandis, to crisis protocols.*

Or. en

#### **Amendment 1906**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 38 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').

##### *Amendment*

1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities'), *without prejudice to the procedures for the supervision of very large online platforms laid out in Section 3.*

Or. en

### *Justification*

*For very large online platforms, a new European Platform Agency is established. This amendment clarifies that this shall not affect the work of the authorities at Member State level.*

#### **Amendment 1907**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Article 38 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

##### *Amendment*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. ***Those competent authorities shall have the same powers to carry out the tasks or supervise the sectors assigned to them as those attributed to the Digital Services Coordinator for the application and enforcement of this Regulation.*** The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

Or. en

#### **Amendment 1908**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 38 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, ***unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities***. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

*Amendment*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

Or. en

**Amendment 1909**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. Member States shall not designate the regulatory authorities referred to in Article 30 of the Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services as competent authorities or as Digital Services Coordinator.***

Or. en

*Justification*

*The Member States should refrain from designating the same authorities as those designated*

*pursuant to article 30 of the AVMSD in order to avoid providing one single institution with the authority to shape the Member State's entire media landscape and online space*

**Amendment 1910**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When a Member State is subject to a procedure referred to in Article 7(1) or 7(2) of the Treaty on European Union or against whom a procedure based on Regulation 2020/2092 was initiated, the Commission shall additionally confirm that the Digital Services Coordinator proposed by that Member State fulfils the requirements laid down in Article 39 before that Digital Services Coordinator can be designated.***

Or. en

**Amendment 1911**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the ***Board and the Commission***, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the ***Agency***, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

*Justification*

*For very large online platforms, a new European Platform Agency is established, that takes on the tasks originally foreseen for the Commission and the Board.*

**Amendment 1912**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the **Commission and the Board.**

*Amendment*

Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the **Agency.**

*Justification*

*For very large online platforms, a new European Platform Agency is established, that takes on the tasks originally foreseen for the Commission and the Board.*

**Amendment 1913**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 38 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Member States shall make publicly

*Amendment*

Member States shall make publicly

available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.  
***Furthermore, the Commission shall issue guidance to the Member States, to ensure that national, local and regional authorities relate to their Digital Coordinators in a consistent and comparable manner.***

Or. en

#### **Amendment 1914**

**Maria Grapini, Christel Schaldemose, Marc Angel, Evelyne Gebhardt, Brando Benifei**

#### **Proposal for a regulation**

#### **Article 38 – paragraph 3 – subparagraph 2**

##### *Text proposed by the Commission*

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

##### *Amendment*

Member States shall make publicly available ***through online and offline means***, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

Or. en

#### **Amendment 1915**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 38 – paragraph 3 – subparagraph 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***This paragraph applies mutatis mutandis to the certification process for out-of-court dispute settlement bodies as described in Article 18(2) and the award of the status of trusted flagger as***



*described in Article 19(2).*

Or. en

**Amendment 1916**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 38 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall ensure that their Digital Services Coordinators are informed by the relevant national, local and regional authorities on the diversity of platform sectors and issues covered by this Regulation;**

Or. en

**Amendment 1917**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 38 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that the competent authorities have adequate financial and human resources, as well as legal and technical expertise to fulfil their tasks under this Regulation.**

Or. en

**Amendment 1918**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin,**

Liesje Schreinemacher

**Proposal for a regulation**  
**Article 38 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that the competent authorities have adequate financial and human resources, as well as legal and technical expertise to fulfil their tasks under this Regulation.**

Or. en

*Justification*

*Without adequate financial and human resources, it will not be possible to enforce the many requirements of this Regulation*

**Amendment 1919**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**  
**Article 38 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 38a**

***Relation to sector-specific provisions***

***The application of these provisions does not affect areas that are subject to sector-specific regulation and provisions. In these areas, the responsibility for enforcing the provisions lies with the competent national authorities, which are organised in European networks. Within these networks, the competent authorities shall establish suitable procedures that allow for effective coordination and consistent application and enforcement of this Regulation.***

Or. en

## *Justification*

*These sector-specific authorities & regulators are long experienced, independent and competent in their task and there is no need to change that. Where coordination is needed and to ensure effective and consistent EU-wide enforcement, the European networks (such as ERGA for audiovisual media or BEREC for electronic communication) shall be responsible to deal with these matters and be tasked to develop effective and efficient cross-border procedures.*

### **Amendment 1920**

**Barbara Thaler, Arba Kokalari**

#### **Proposal for a regulation**

#### **Article 39 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks.

##### *Amendment*

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks. ***In addition, Member States shall ensure that their Digital Services Coordinators conduct exchange with the service providers to strengthen a common understanding regarding their business models as well as the legal necessities.***

Or. en

### **Amendment 1921**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 39 – paragraph 1 – subparagraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***Member States shall ensure that the Digital Services Coordinators are legally distinct from the government and***

*functionally independent of their respective governments and of any other public or private body.*

Or. en

**Amendment 1922**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 39 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Lorsqu'ils accomplissent leurs missions et exercent leurs pouvoirs conformément au présent règlement, les coordinateurs pour les services numériques agissent en toute indépendance. Ils restent libres de toute influence extérieure, directe ou indirecte, et ne sollicitent ni n'acceptent aucune instruction d'aucune autre autorité publique ou partie privée.**

**supprimé**

Or. fr

**Amendment 1923**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 39 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Le paragraphe 2 est sans préjudice des missions incombant aux coordinateurs pour les services numériques dans le cadre du système de surveillance et de coercition prévu dans le présent règlement et de la coopération avec les autres autorités compétentes conformément à l'article 38, paragraphe 2. Le paragraphe 2 n'empêche pas la surveillance des autorités concernées**

**supprimé**

*conformément au droit constitutionnel national.*

Or. fr

**Amendment 1924**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 39 – paragraph 3**

*Text proposed by the Commission*

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law.

*Amendment*

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law. ***To this end, Digital Services Coordinators shall protocol their carried-out tasks and exercised power in form of a report, which is to be published in the information sharing system pursuant to Article 67 of this Regulation and present it to the European Parliament.***

Or. en

**Amendment 1925**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 39 – paragraph 3**

*Text proposed by the Commission*

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and

*Amendment*

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and

enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national *constitutional* law.

enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national law.

Or. en

#### **Amendment 1926**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

#### **Proposal for a regulation Article 40 – paragraph 1**

##### *Text proposed by the Commission*

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III and IV of this Regulation.

##### *Amendment*

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III and IV of this Regulation *and final jurisdiction as to disputes on orders issued under Article 8 and 9.*

Or. en

##### *Justification*

*When there is a dispute between an authority and a provide under article 8 and 9, it must be clear what is the final jurisdiction. Due its cross-border nature, taking into account the country of origin principle, this jurisdiction should be that of the Member States of establishment.*

#### **Amendment 1927**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation Article 40 – paragraph 1**

##### *Text proposed by the Commission*

1. The Member State in which the

##### *Amendment*

1. The Member State in which the

main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III *and IV of this Regulation.*

main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III, *Sections 1 to 4, as well as Chapter IV.*

Or. en

#### **Amendment 1928**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

#### **Proposal for a regulation**

**Article 40 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. By means of derogation from paragraph 1, the Member State in which the consumers have their residence shall have jurisdiction for the purposes of Articles 22, 22a and 22b of this Regulation and the Member State in which the authority issuing the order is situated shall have jurisdiction for the purposes of Articles 8 and 9 of this Regulation.**

Or. en

#### **Amendment 1929**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

**Article 40 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1 bis. L'État membre dans lequel se produit l'évènement, ou dans lequel réside la personne physique ou morale destinataire du service, mettant en cause le fournisseur de services, est également compétent aux fins des chapitres III et IV du présent règlement.**

**Amendment 1930**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 40 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Member State where the consumers have their habitual residence shall have jurisdiction for the purposes of Chapter III, Section 3.**

Or. en

**Amendment 1931**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 40 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b. The Member State where the authority issuing the order is situated shall have jurisdiction for the purposes of Articles 8 and 9.**

Or. en

**Amendment 1932**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 40 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Lorsqu'un fournisseur de services intermédiaires ne désigne pas de représentant légal conformément à l'article

3. Lorsqu'un fournisseur de services intermédiaires ne désigne pas de représentant légal conformément à l'article



11, tous les États membres sont compétents aux fins des chapitres III et IV. Lorsqu'un État membre décide d'exercer sa compétence au titre du présent paragraphe, il informe tous les autres États membres *et veille* à ce que le principe ne bis in idem soit respecté.

11, tous les États membres sont compétents aux fins des chapitres III et IV. Lorsqu'un État membre décide d'exercer sa compétence au titre du présent paragraphe, il informe tous les autres États membres. *Lorsque plusieurs États membres décident d'exercer leur compétence à l'égard d'un même fournisseur, ils coordonnent, le cas échéant par l'intermédiaire du Comité, leurs actions en veillant* à ce que le principe ne bis in idem soit respecté.

Or. fr

### **Amendment 1933**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 40 – paragraph 3**

#### *Text proposed by the Commission*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all *other Member States* and ensure that the principle of ne bis in idem is respected.

#### *Amendment*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all *Digital Services Coordinators* and ensure that the principle of ne bis in idem is respected.

Or. en

#### *Justification*

*Clarification on which entity needs to be informed.*

### **Amendment 1934**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,**

**Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

**Proposal for a regulation**  
**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States **and** ensure that the principle of ne bis in idem is respected.

*Amendment*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States **to** ensure that the principle of ne bis in idem is respected.

Or. en

**Amendment 1935**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 40 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Paragraph 3 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC and which are not very large online platforms. Such enterprises shall be deemed to be under the jurisdiction of the Member State where their point of contact resides or is established. Where no point of contract is established or resides in a Member State, paragraph 3 shall apply.***

Or. en

*Justification*

*For small providers of, for example, an app, it would be a burden to be subject to all DSCs when there is little or no risk. Nonetheless, if a provider does not have a point of contact, the*

*should be subject to the whole article.*

**Amendment 1936**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 40 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Member State shall have jurisdiction for the purposes of Chapters III and IV of this Regulation where providers online social networking services designated as very large online platforms are concerned, as defined in Article 25 and which offer services to a significant number of active end users of the service in a given Member State which can be calculated on the basis of Article 23(2).***

Or. en

**Amendment 1937**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 40 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Les paragraphes 1, 2 et 3 sont sans préjudice du second alinéa de l'article 50, paragraphe 4, et du second alinéa de l'article 51, paragraphe 2, et des missions et pouvoirs de la Commission au titre de la section 3.***

***supprimé***

Or. fr

**Amendment 1938**

**Alexandra Geese**

on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 40 – paragraph 4**

*Text proposed by the Commission*

4. Paragraphs 1, 2 and 3 are without prejudice to the *second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under* Section 3.

*Amendment*

4. Paragraphs 1, 2 and 3 are without prejudice to the *procedures for the supervision of very large online platforms as laid out in* Section 3.

Or. en

*Justification*

*For very large online platforms, a new European Platform Agency is established, that takes on the tasks originally foreseen for the Commission and the Board.*

**Amendment 1939**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 40 – paragraph 4**

*Text proposed by the Commission*

4. Paragraphs *1*, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

*Amendment*

4. Paragraphs *1,1a*, 2 and 3 are without prejudice to *Article 43(2)*, the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

Or. en

**Amendment 1940**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 40 – paragraph 4**

*Text proposed by the Commission*

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

*Amendment*

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the **Board and the** Commission under Section 3.

Or. en

**Amendment 1941**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 41 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:

*Amendment*

1. Where needed for carrying out their tasks ***under this Regulation and also in order to avoid any discrepancy in the enforcement of the Digital Services Act,*** Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:

Or. en

**Amendment 1942**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 41 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the power to require those providers, as well as any other persons

*Amendment*

(a) the power to require those providers, as well as any other persons

acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within *a reasonable time period*;

acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information *without undue delay, or at the latest* within *one month*;

Or. en

*Justification*

*GDPR has shown that fixed deadlines are necessary.*

**Amendment 1943**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;**

*deleted*

Or. en

**Amendment 1944**

**Geoffroy Didier**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) the power to adopt interim measures to avoid the risk of serious harm.**

**(e) the power to adopt interim measures to *address repeated infringement of the obligations laid down in the Regulation or to* avoid the risk of serious harm.**

**Amendment 1945**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

(e) the power to adopt interim measures to avoid the risk of serious harm.

*Amendment*

(e) the power to adopt ***proportionate*** interim measures to avoid the risk of serious harm, ***without prejudice to fundamental rights***.

**Amendment 1946**

**Geoffroy Didier**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) For the purposes of sub-paragraph (e), the powers of Digital Service Coordinator shall include the ability to request the relevant judicial authority to:***

***(i) issue an order to remove content or to restrict access to an online interface or to order the explicit display of a warning to consumers when they access an online interface;***

***(ii) order a provider of a hosting service to remove, disable or restrict access to an online interface;***

***(iii) where appropriate, order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to register it, including by requesting at third party***

*or other public authority to implement such measures; or,*

*(iv) order other appropriate measures under the circumstances.*

Or. en

**Amendment 1947**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those *others* persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

*Amendment*

As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those *other* persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

Or. en

*Justification*

*Linguistic fix*

**Amendment 1948**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**



## Proposal for a regulation

### Article 41 – paragraph 3 – subparagraph 1 – introductory part

#### *Text proposed by the Commission*

3Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:

#### *Amendment*

Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists ***or is continuously repeated*** and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:

Or. en

#### *Justification*

*To include infringements that ceased for a certain time but repeat themselves repeatedly.*

## Amendment 1949

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

## Proposal for a regulation

### Article 41 – paragraph 3 – subparagraph 1 – point a

#### *Text proposed by the Commission*

(a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;

#### *Amendment*

(a) require the management body of the providers, within a reasonable time period ***which shall in any case not exceed three months***, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;

Or. en

## *Justification*

*To include a fixed deadline, as GDPR has shown that where these are lacking, proceedings risk to be dragged out.*

### **Amendment 1950**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

### **Proposal for a regulation**

#### **Article 41 – paragraph 3 – subparagraph 1 – point a**

##### *Text proposed by the Commission*

(a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;

##### *Amendment*

(a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken ***within a specific period***;

Or. en

### **Amendment 1951**

**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 41 – paragraph 3 – subparagraph 1 – point b**

##### *Text proposed by the Commission*

(b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that

##### *Amendment*

(b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists ***or is continuously repeated*** and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent

Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Or. en

### *Justification*

*To include infringements that ceased for a certain time but repeat themselves repeatedly.*

### **Amendment 1952**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

### **Proposal for a regulation**

#### **Article 41 – paragraph 3 – subparagraph 1 – point b**

#### *Text proposed by the Commission*

(b) where the Digital Services Coordinator considers that the provider has not *sufficiently* complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

#### *Amendment*

(b) where the Digital Services Coordinator considers that the provider has not complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Or. en

### **Amendment 1953**

**Alexandra Geese**

on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 41 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The Digital Services Coordinator shall, *except where it acts upon the Commission's request referred to in Article 65*, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.

*Amendment*

The Digital Services Coordinator shall, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.

Or. en

*Justification*

*To align with changes proposed to Section 3, namely the introduction of an Agency for VLOPs.*

**Amendment 1954**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 41 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Following request to the Commission and in cases of infringements that persist, could cause serious harm to recipients of the service, or could seriously affect their fundamental rights, the Digital Services Coordinator of the country of destination may be entitled to additional powers in the framework of joint investigations as referred to in Article 46.**

Or. en

**Amendment 1955**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin**

**Proposal for a regulation**

**Article 41 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The Commission shall publish guidelines by [six months after adoption] on the powers and procedures of the Digital Services Coordinators. Member States shall follow these guidelines or explain otherwise to the Commission.**

Or. en

*Justification*

*While Member States are free to organise their bodies as they would like, it is important that DSCs act as similar to each other as possible. This would allow providers to know what to expect. Equally, it will lead to fewer disagreements and misunderstands between DSCs.*

**Amendment 1956**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 42 – paragraph 2**

*Text proposed by the Commission*

2. Les sanctions sont effectives, proportionnées et dissuasives. Les États membres informent la Commission du régime ainsi déterminé et des mesures ainsi prises, de même que, sans retard, de toute modification apportée ultérieurement à ce régime ou à ces mesures.

*Amendment*

2. Les sanctions sont effectives, proportionnées et dissuasives. Les États membres informent la Commission **et le Comité** du régime ainsi déterminé et des mesures ainsi prises, de même que, sans retard, de toute modification apportée ultérieurement à ce régime ou à ces mesures.

Or. fr

**Amendment 1957**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 42 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **6 %** of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed **1%** of the annual income or turnover of the provider concerned.

*Amendment*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **10%** of the annual **worldwide** income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed **2%** of the annual **worldwide** income or turnover of the provider concerned.

Or. en

*Justification*

*1) Clarification of reference for turnover. 2) Fines have turned out to be too small. VLOPs consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.*

## Amendment 1958

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 42 – paragraph 3

##### *Text proposed by the Commission*

3. Les États membres veillent à ce que le montant maximum des sanctions imposées pour manquement aux obligations établies dans le présent règlement ne dépasse pas 6 % des revenus ou du chiffre d'affaires **annuels** du fournisseur de services intermédiaires concerné. Les sanctions en cas de fourniture d'informations inexactes, incomplètes ou dénaturées, d'absence de réponse ou de non-rectification d'informations inexactes, incomplètes ou dénaturées et de manquement à l'obligation de se soumettre à une inspection sur place ne dépassent pas 1 % des revenus ou du chiffre d'affaires **annuels** du fournisseur concerné.

##### *Amendment*

3. Les États membres veillent à ce que le montant maximum des sanctions imposées pour manquement aux obligations établies dans le présent règlement ne dépasse pas 6 % des revenus ou du chiffre d'affaires **annuel mondial** du fournisseur de services intermédiaires concerné. Les sanctions en cas de fourniture d'informations inexactes, incomplètes ou dénaturées, d'absence de réponse ou de non-rectification d'informations inexactes, incomplètes ou dénaturées et de manquement à l'obligation de se soumettre à une inspection sur place ne dépassent pas 1 % des revenus ou du chiffre d'affaires **annuel mondial** du fournisseur concerné.

Or. fr

## Amendment 1959

Barbara Thaler

### Proposal for a regulation

#### Article 42 – paragraph 3

##### *Text proposed by the Commission*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **6** % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or

##### *Amendment*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **2** % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or

rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.

rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.

Or. en

#### **Amendment 1960**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 42 – paragraph 4**

##### *Text proposed by the Commission*

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed **5** % of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

##### *Amendment*

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed **10** % of the average daily **worldwide** turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

##### *Justification*

*1) Clarification of reference for turnover. 2) Fines have turned out to be too small. VLOPs consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.*

#### **Amendment 1961**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 42 – paragraph 4**

##### *Text proposed by the Commission*

4. Les États membres veillent à ce que le montant maximum d'une astreinte ne

##### *Amendment*

4. Les États membres veillent à ce que le montant maximum d'une astreinte ne



dépasse pas 5 % du chiffre d'affaires quotidien moyen du fournisseur de services intermédiaires concerné au cours de l'exercice précédent par jour, à compter de la date spécifiée dans la décision concernée.

dépasse pas 5 % du chiffre d'affaires quotidien moyen *mondial* du fournisseur de services intermédiaires concerné au cours de l'exercice précédent par jour, à compter de la date spécifiée dans la décision concernée.

Or. fr

#### **Amendment 1962**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

#### **Proposal for a regulation**

**Article 42 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that administrative or judicial authorities issuing orders pursuant to Article 8 and 9 shall only issue penalties or fines in line with this Article.**

Or. en

#### *Justification*

*As penalties and fines are fixed in the Regulation, it would not be correct to allow unrelated authorities to issue additional fines outside the scope of the rules set down in this regulation*

#### **Amendment 1963**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

**Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 42a*

**General conditions for imposing penalties**

**1. Before penalties are issued under Article 42, when deciding whether to**

*impose a penalty and deciding on the amount of the penalty in each individual case due regard shall be given to the following:*

*(a) the nature, gravity and duration of the infringement taking into account the nature scope or purpose of the processing concerned as well as the number of recipients affected and the level of damage suffered by them;*

*(b) the intentional or negligent character of the infringement;*

*(c) any action taken by the provider to mitigate the damage of the infringement;*

*(d) the degree of responsibility of the provider taking into account any other providers involved;*

*(e) any relevant previous infringements by the provider;*

*(f) the degree of cooperation with the Digital Services Coordinator(s), in order to remedy the infringement and mitigate the possible adverse effects of the infringement;*

*(g) the manner in which the infringement became known to the Member State;*

*(h) where infringement have previously been ordered against the provider concerned with regard to the same subject-matter, compliance with those measures;*

*(i) adherence to approved codes of conduct pursuant to Article 35 and 36; and*

*(k) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement.*

*2. If a provider infringes several provisions of this Regulation, the total amount of the penalty shall not exceed the*

*amount specified in Article 42 (3).*

*3. The exercise by a Member State of its powers under this Article and Article 42 shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.*

Or. en

*Justification*

*Same Rules that applied under the GDPR. When deciding on sanctions or fines, it is appropriate to take into account the different factors around the case before deciding. This should be set down in order to ensure that the same standards are applied in all cases.*

**Amendment 1964**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 42a*

*In accordance with the conditional exemption from liability laid down in Article 1(1)(a), Member States shall ensure that the penalty for repeatedly failing to comply with the obligations under this Regulation includes the horizontal loss of the liability exemption for the intermediary service provider.*

Or. en

**Amendment 1965**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 43 – paragraph 1**

*Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

*Amendment*

Recipients of the service, ***as well as bodies, organisations or associations referred to in Article 68, independently of a recipient's mandate***, shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment ***without undue delay***. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority ***without undue delay. Where the complaint falls under the responsibility of the Agency, the Digital Service Coordinator receiving the complaint shall transmit it to the Agency without undue delay.***

Or. en

*Justification*

*To align with the suggested changes in Section 3, namely, the introduction for an agency for VLOPs and to clarify that transmissions must be handled expeditiously. Further, inspired by the bad experience from the slow handling of complaints under the GDPR.*

**Amendment 1966**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

Les bénéficiaires du service ont le droit d'introduire une plainte à l'encontre de fournisseurs de services intermédiaires en

*Amendment*

Les bénéficiaires du service ont le droit d'introduire une plainte à l'encontre de fournisseurs de services intermédiaires en

invoquant une violation du présent règlement auprès du coordinateur pour les services numériques de l'État membre dans lequel le bénéficiaire réside ou est établi.

***Le coordinateur pour les services numériques évalue la plainte et, le cas échéant, la transmet au coordinateur de l'État membre d'établissement pour les services numériques. Lorsque la plainte relève de la responsabilité d'une autre autorité compétente au sein de son État membre, le coordinateur pour les services numériques recevant la plainte la transmet à cette autorité.***

invoquant une violation du présent règlement auprès du coordinateur pour les services numériques de l'État membre dans lequel le bénéficiaire réside ou est établi, conformément à l'article 40, paragraphe 2.

Or. fr

#### **Amendment 1967**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 43 – paragraph 1**

##### *Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

##### *Amendment*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. ***Assessment of the complaint can be supplemented by the opinion of Digital Services Coordinator of the Member State, where the recipient resides or is established, on how the matter should be resolved taking into account national law and socio-cultural context of a given Member State.*** Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that

authority.

Or. en

**Amendment 1968**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 43 – paragraph 1**

*Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

*Amendment*

Recipients of the service, ***as well as other parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform*** shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

**Amendment 1969**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 43 – paragraph 1**

*Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an

*Amendment*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an

infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established ***or with in the case of very large online platforms, the Commission.*** The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment ***or in the case of very large online platforms, the Commission.*** Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

#### **Amendment 1970**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Pursuant to paragraph 1 of this Article, the Digital Services Coordinator of establishment, in cases concerning a complaint transmitted by the Digital Services Coordinator of the Member State where the recipient resides or is established, shall assess the matter in a timely manner and shall inform the Digital Services Coordinator of the Member State where the recipient resides or is established, on how the complaint has been handled.***

Or. en

#### **Amendment 1971**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Recipients of the service or their representatives that lodged the complaint should have a right to be heard in the procedure conducted by the competent authority and should be informed about each stage of the procedure by the Digital Services Coordinator assessing their claim. They shall obtain a response from the Digital Coordinator within three months since they lodged their complaint.*

Or. en

**Amendment 1972**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation  
Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Where the complaint concerns an alleged harm upon the recipients of the service, the Member State where the recipient resides shall have jurisdiction for the purposes of the complaint.*

Or. en

**Amendment 1973**

**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 43 – paragraph 1 b (new)**



*Text proposed by the Commission*

*Amendment*

***A decision on the complaint shall be taken without delay and within 6 months at the latest.***

Or. en

**Amendment 1974**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 43a***

***Rights to effective judicial remedies***

- 1. Without prejudice to any available administrative or non-judicial remedy, any recipient of the service or representative organisations shall have the right to an effective judicial remedy where he or she suffered harm as a result of an infringement of Articles 26(1) and 27(1).***
- 2. In determining whether the very large online platform has complied with its obligations under Article 27(1), and in light of the principle of proportionality, the availability of suitable and effective measures shall be taken into account.***
- 3. Such proceedings may be brought before the courts of the Member State where the recipient of the service has his or her habitual residence.***
- 4. Without prejudice to any other administrative or non-judicial remedy, any recipients of the service or representative organisations shall have the right to an effective judicial remedy where the Digital Service Coordinator which is competent pursuant to Articles***

*40 and 43 does not handle a complaint or does not inform the recipient of the service within three months on the progress or outcome of the complaint lodged pursuant to Article 43.*

*Proceedings against a Digital Services Coordinator under paragraph 4 shall be brought before the courts of the Member State where the Digital Services Coordinator is established.*

Or. en

#### **Amendment 1975**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Article 44 – paragraph 1**

###### *Text proposed by the Commission*

1. Digital Services Coordinators shall draw up *an* annual report on their activities under this Regulation. They shall make the annual reports available to the public, and shall communicate them to the *Commission and to the Board*.

###### *Amendment*

1. Digital Services Coordinators shall draw up *a clear and detailed* annual report on their activities under this Regulation. They shall make the annual reports available to the public *in a standardised and machine-readable format*, and shall communicate them to the *Agency*.

Or. en

#### **Amendment 1976**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

##### **Article 44 – paragraph 2 – point a**

###### *Text proposed by the Commission*

(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in

###### *Amendment*

(a) the number and subject matter of orders to act against illegal content and orders to provide information, *including at*

accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;

*least information on the name of the issuing authority, the name of the provider and the type of action specified in the order*, issued in accordance with Articles 8, **8a** and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;

Or. en

#### **Amendment 1977**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

**Article 44 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) le nombre et l'objet des injonctions d'agir contre des contenus *illicites* et des injonctions de fournir des informations, émises conformément aux articles 8 et 9 par toute autorité judiciaire ou administrative nationale de l'État membre du coordinateur pour les services numériques concerné;

##### *Amendment*

(a) le nombre et l'objet des injonctions d'agir contre des contenus *illégaux* et des injonctions de fournir des informations, émises conformément aux articles 8 et 9 par toute autorité judiciaire ou administrative nationale de l'État membre du coordinateur pour les services numériques concerné;

Or. fr

#### **Amendment 1978**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec**

#### **Proposal for a regulation**

**Article 44 – paragraph 2 – point b a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

*(ba) the conditions met to justify any order to act against illegal content and to provide information taken that derogates from the internal market clause in accordance with Article 3 of Directive*

*Justification*

*To prevent fragmentation of the internal market.*

**Amendment 1979**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 44 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the number of appeals made against those orders raised by providers of intermediary services or recipients of the service as well as the outcome of appeals;***

Or. en

**Amendment 1980**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 44 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) in the case of criminal law violations, the number of orders which led to investigation and prosecution of the underlying offences.***

Or. en

**Amendment 1981**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 44 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Based on the information published by Digital Services Coordinators, the Commission shall submit to the European Parliament and to the Council a dedicated biennial report analysing the aggregated data on orders referred to in Articles 8, 8a and 9 and issued by the Digital Services Coordinators, with a special attention being paid to potential abusive use of these Articles. The report shall provide a comprehensive overview of the orders to act against illegal content and it shall provide, for a specific period of time, the possibility to assess the activities of Digital Services Coordinators.**

Or. en

**Amendment 1982**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 44 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.**

Or. en

## Amendment 1983

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 45 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

##### *Amendment*

Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned ***and not falling under the procedures laid out in Section 3***, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

##### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

## Amendment 1984

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 45 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

Where the ***Board*** has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure

##### *Amendment*

Where the ***Agency*** has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure

compliance with this Regulation.

compliance with this Regulation.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1985**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **may recommend** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

*Amendment*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **shall request** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

**Amendment 1986**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **may recommend** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory

*Amendment*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **shall request** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory

and enforcement measures to ensure compliance with this Regulation.

and enforcement measures to ensure compliance with this Regulation.

Or. en

#### **Amendment 1987**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn**

#### **Proposal for a regulation**

#### **Article 45 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least **three** Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

##### *Amendment*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least **four** Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

##### *Justification*

*Such decisions should be based on the widest base of Member States, therefore four instead of three would be a correct number.*

#### **Amendment 1988**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 45 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***1a. A request or recommendation pursuant to paragraph 1 of this Article shall not preclude the possibility of Digital Services Coordinator of the Member State where the recipient of the service resides or is established, to be able to carry out its***



*own investigation concerning a suspected infringement of this Regulation by a provider of an intermediary service.*

Or. en

**Amendment 1989**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné**

**Proposal for a regulation**

**Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. A request *or recommendation* pursuant to paragraph 1 shall at least indicate:

*Amendment*

2. A request pursuant to paragraph 1 shall at least indicate:

Or. en

**Amendment 1990**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. A request *or recommendation* pursuant to paragraph 1 shall at least indicate:

*Amendment*

2. A request pursuant to paragraph 1 shall at least indicate:

Or. en

**Amendment 1991**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the **Board**, suspects that the provider infringed this Regulation;

*Amendment*

(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the **Agency**, suspects that the provider infringed this Regulation;

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1992**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) any other information that the Digital Services Coordinator that sent the request, or the **Board**, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.

*Amendment*

(c) any other information that the Digital Services Coordinator that sent the request, or the **Agency**, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1993**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten**

**Løkkegaard, Svenja Hahn, Karen Melchior**

**Proposal for a regulation  
Article 45 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. A request or recommendation pursuant to paragraph 1 shall be at the same time as it is communicated to the Digital Services Coordinator of establishment be transmitted to the Commission. Where the Commission believes that the request or recommendation is unmerited or where the Commission is currently taking action on the same substantial matter, the Commission can ask for the request or recommendation to be withdrawn.**

Or. en

*Justification*

*In order to prevent actions that may not be in line with this regulation or other Union acts and to prevent the potential doubling of efforts, the Commission should have the power to request that a request or recommendation is suspended.*

**Amendment 1994**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation  
Article 45 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. A recommendation pursuant to paragraphs 1 and 2 of this Article may additionally indicate:**

- a) an opinion on matters that involve taking into account national law and socio-cultural context; and**
- b) a draft decision based on investigation pursuant to paragraph 1a of this Article.**

### Amendment 1995

Martin Schirdewan, Anne-Sophie Pelletier

#### Proposal for a regulation

##### Article 45 – paragraph 3

###### *Text proposed by the Commission*

3. The Digital Services Coordinator of establishment shall take into utmost account the request ***or recommendation*** pursuant to paragraph 1. ***Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, or the Board, could provide additional information,*** it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

###### *Amendment*

3. The Digital Services Coordinator of establishment shall take into utmost account the request pursuant to paragraph 1. ***If the request does not include the elements mentioned under 2 (a) and (b),*** it may request such information ***once***. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

### Amendment 1996

Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné

#### Proposal for a regulation

##### Article 45 – paragraph 3

###### *Text proposed by the Commission*

3. The Digital Services Coordinator of establishment shall take into utmost account the request ***or recommendation*** pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, ***or*** the Board, could provide additional

###### *Amendment*

3. The Digital Services Coordinator of establishment shall take into utmost account the request pursuant to paragraph 1 ***and assess the matter in view of taking specific investigatory or enforcement measures to ensure compliance without undue delay.*** Where it considers that it has insufficient information to act upon the request or recommendation and has reasons

information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

to consider that the Digital Services Coordinator that sent the request, *and to* the Board, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Or. en

#### **Amendment 1997**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 45 – paragraph 3**

##### *Text proposed by the Commission*

3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, or the **Board**, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

##### *Amendment*

3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, or the **Agency**, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Or. en

##### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

#### **Amendment 1998**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 45 – paragraph 4**

*Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, **and** an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

*Amendment*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto **and a statement of reason in case of decision, following its investigation, not to take measures** to ensure compliance with this Regulation.

Or. en

**Amendment 1999**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 45 – paragraph 4**

*Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the **Board**, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to

*Amendment*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the **Agency**, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance

ensure compliance with this Regulation.

with this Regulation.

Or. en

### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

#### **Amendment 2000**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 45 – paragraph 4**

##### *Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than **two months** following receipt of the request **or recommendation**, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

##### *Amendment*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than **one month** following receipt of the request, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Or. en

#### **Amendment 2001**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 45 – paragraph 5**

##### *Text proposed by the Commission*

5. Lorsque le coordinateur pour les services numériques à l'origine de la demande **ou, le cas échéant, le Comité**, n'a pas reçu de réponse dans le délai établi au

##### *Amendment*

5. Lorsque le coordinateur pour les services numériques à l'origine de la demande n'a pas reçu de réponse dans le délai établi au paragraphe 4, ou lorsqu'il

paragraphe 4, ou lorsqu'il n'est pas d'accord avec l'évaluation du coordinateur de l'État membre d'établissement pour les services numériques, il peut saisir **la Commission** de la question, en fournissant toutes les informations pertinentes. Ces informations comprennent au moins la demande ou la recommandation envoyée au coordinateur de l'État membre d'établissement pour les services numériques, toute information complémentaire fournie au titre du paragraphe 3 et la communication visée au paragraphe 4.

n'est pas d'accord avec l'évaluation du coordinateur de l'État membre d'établissement pour les services numériques, il peut saisir **le Comité** de la question, en fournissant toutes les informations pertinentes. Ces informations comprennent au moins la demande ou la recommandation envoyée au coordinateur de l'État membre d'établissement pour les services numériques, toute information complémentaire fournie au titre du paragraphe 3 et la communication visée au paragraphe 4. **Le Comité renouvelle auprès du coordinateur de l'État membre d'établissement pour les services numériques la demande établie au paragraphe 1. Le coordinateur de l'État membre d'établissement pour les services numériques évalue la demande et transmet sa réponse dans les conditions établies aux paragraphes 3 et 4.**

**Lorsque le Comité, soit qu'il ait formé une demande impliquant au moins trois États membres, soit qu'il ait formé une demande conformément au premier alinéa, n'a pas reçu de réponse dans le délai établi au paragraphe 4, ou lorsqu'il n'est pas d'accord avec l'évaluation du coordinateur de l'État membre d'établissement pour les services numériques, il adopte une décision et transmet à la Commission des instructions pour prendre les mesures résultant de cette décision.**

Or. fr

#### **Amendment 2002**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné**

#### **Proposal for a regulation**

**Article 45 – paragraph 5**



*Text proposed by the Commission*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request **or recommendation** sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

*Amendment*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission **and the Digital Services Coordinators**, providing all relevant information. That information shall include at least the request sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Or. en

**Amendment 2003**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 5**

*Text proposed by the Commission*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the **Board**, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the **Commission**, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

*Amendment*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the **Agency**, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the **Agency**, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2004**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation****Article 45 – paragraph 5***Text proposed by the Commission*

5. Where the Digital Services Coordinator that sent the request, or, ***where appropriate***, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

*Amendment*

5. Where the Digital Services Coordinator that sent the request, or the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Or. en

**Amendment 2005**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation****Article 45 – paragraph 6***Text proposed by the Commission*

6. La Commission ***examine la question dans un délai de trois mois à compter de la transmission de la question*** conformément au paragraphe 5, ***après***

*Amendment*

6. La Commission ***exécute les instructions reçues*** conformément au paragraphe 5 ***sans délai***.

*avoir consulté le coordinateur de l'État membre d'établissement pour les services numériques et le Comité, à moins que ce dernier n'ait lui-même saisi la Commission.*

Or. fr

#### **Amendment 2006**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

#### **Proposal for a regulation Article 45 – paragraph 6**

##### *Text proposed by the Commission*

6. The Commission shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.

##### *Amendment*

6. The Commission , ***in cooperation with the Digital Services Coordinators*** shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.

Or. en

#### **Amendment 2007**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation Article 45 – paragraph 6**

##### *Text proposed by the Commission*

6. The ***Commission*** shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment ***and, unless it referred the matter itself, the***

##### *Amendment*

6. The ***Agency*** shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment.

**Board.**

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2008**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall assess the matter within **three** months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, **the Board**.

*Amendment*

6. **The Board or** the Commission shall assess the matter within **two** months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself.

Or. en

**Amendment 2009**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. **Lorsque, à l'issue de l'examen prévu au paragraphe 6, la Commission conclut que l'évaluation ou les mesures d'enquête ou de coercition adoptées ou envisagées au titre du paragraphe 4 sont incompatibles avec le présent règlement, elle demande au coordinateur de l'État membre d'établissement pour les services numériques d'examiner la question plus en profondeur et d'adopter les mesures**

*Amendment*

**supprimé**

*d'enquête ou de coercition nécessaires en vue d'assurer le respect du présent règlement, et de l'informer des mesures adoptées dans un délai de deux mois à compter de la demande.*

Or. fr

#### **Amendment 2010**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

#### **Proposal for a regulation Article 45 – paragraph 7**

##### *Text proposed by the Commission*

7. Where, pursuant to **paragraph 6**, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to **further assess the matter and** take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

##### *Amendment*

7. Where, pursuant to **paragraph 6**, the Commission **in cooperation with the Digital Services Coordinators** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

***Where the Digital Services Coordinator of establishment fails to comply with the request to take the necessary measures before the end of the two months period, the Commission shall reallocate the case without delay to the Digital Services Coordinator initiating the request.***

Or. en

#### **Amendment 2011**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

*Amendment*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request. ***This information shall be also transmitted to the Digital Services Coordinator or the Board that initiated the proceedings pursuant to paragraph 1.***

Or. en

**Amendment 2012**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the ***Commission*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from

*Amendment*

7. Where, pursuant to paragraph 6, the ***Agency*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

that request.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2013**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to ***further assess the matter and*** take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within ***two months*** from that request.

*Amendment*

7. Where, pursuant to paragraph 6, the Commission ***or the Board*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within ***one month*** from that request.

Or. en

**Amendment 2014**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 46 – title**

*Text proposed by the Commission*

Joint investigations and requests for Commission intervention

*Amendment*

Joint investigations, ***cooperation among Digital Services Coordinators*** and requests for Commission intervention

**Amendment 2015**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 46 – title**

*Text proposed by the Commission*

*Amendment*

Joint investigations and requests for  
Commission intervention

Joint investigations and requests for  
Commission *or Board* intervention

Or. en

**Amendment 2016**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 46 – title**

*Text proposed by the Commission*

*Amendment*

Joint investigations and requests for  
*Commission* intervention

Joint investigations and requests for  
*Agency* intervention

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2017**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

**Proposal for a regulation**  
**Article 46 – paragraph 1 – subparagraph 1**



*Text proposed by the Commission*

Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

*Amendment*

Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States. ***Such joint investigations shall be under the supervision of Digital Services Coordinator of establishment of the provider under investigation,***

Or. en

*Justification*

*During joint investigations, it is important to have a single entity organising and responsible for that investigation. Based on the governance structure, it is logical that that entity would be the DSC of establishment of the provider being investigated, especially as any physical investigation will likely take place on its territory.*

**Amendment 2018**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 46 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the **Board**, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

*Amendment*

Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the **Agency**, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

## **Amendment 2019**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 46 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

Such joint investigations are without prejudice to the tasks and powers of the participating Digital Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators, *the Commission* and the *Board* through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.

##### *Amendment*

Such joint investigations are without prejudice to the tasks and powers of the participating Digital **Services** Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators and the **Agency** through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.

Or. en

##### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

## **Amendment 2020**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

### **Proposal for a regulation**

#### **Article 46 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

**1a. Where Digital Services Coordinator of the country of destination considers that an alleged infringement exist and causes serious harm to a large number of recipients of the service in that**

*Member States, or could seriously affect their fundamental rights, it may request to the Commission to set up joint investigations between Digital Services Coordinator of country of establishment and the requesting Digital Services Coordinator of country of destination.*

Or. en

## **Amendment 2021**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

### **Proposal for a regulation**

#### **Article 46 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Commission, in cooperation with the Digital Services Coordinators, shall assess such request and following positive opinion of the Board shall set up a joint investigation where the Digital Services Coordinator of the country of destination can be entitled to exercise the following additional powers with respect to the provider of intermediary services concerned by the alleged infringement:***

***a) to obtain access to the confidential version of the reports published by the intermediary service providers referred to in Article 13 and where applicable in Articles 23 and 24, as well as to the annual reports drawn up by the other competent authorities pursuant to Article 44;***

***b) to obtain access to data collected by the Digital Services Coordinator of the country of establishment for the purpose of supervision of that provider on the territory of the Digital Services Coordinator of the country of destination;***

***c) to initiate proceedings and assess the matter in view of taking specific***

*investigatory or enforcement measures to ensure compliance, where the suspected seriousness of the infringement would require immediate response that would not allow for the provisions of Article 45 to apply; and*

*d) to request interim measures, as referred to in Article 41 (2) (e).*

Or. en

**Amendment 2022**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 46 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*1c. The Commission decision setting up the joint investigation shall define a deadline by when Digital Services Coordinator of the country of establishment and Digital Services Coordinator launching the request pursuant to paragraph 2 shall agree on a common position on the joint investigation, and where applicable on the enforcement measures to be adopted. If no agreement is reached within this deadline, the case shall be referred to the Commission pursuant to Article 45(5).*

Or. en

**Amendment 2023**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 46 – paragraph 2**

*Text proposed by the Commission*

2. Where a Digital Services Coordinator of establishment *has* reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene.

*Amendment*

2. Where a Digital Services Coordinator of establishment *or the Digital Services Coordinators of at least three Member States have* reasons to suspect that a very large online platform infringed this Regulation, it may *either* request the Commission *or the Board* to take the necessary investigatory and enforcement measures *or launch a joint investigation* to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission *or the Board* to intervene.

Or. en

**Amendment 2024**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 46 – paragraph 2**

*Text proposed by the Commission*

2. Lorsqu'un coordinateur de l'État membre d'établissement pour les services numériques a des raisons de soupçonner qu'une très grande plateforme en ligne a enfreint le présent règlement, il peut demander *à la Commission* d'adopter les mesures d'enquête et de coercition nécessaires pour assurer le respect du présent règlement conformément à la section 3. Cette demande contient toutes les informations énumérées à l'article 45, paragraphe 2, et précise les motifs de la demande d'intervention *de* la Commission.

*Amendment*

2. Lorsqu'un coordinateur de l'État membre d'établissement pour les services numériques a des raisons de soupçonner qu'une très grande plateforme en ligne a enfreint le présent règlement, il peut demander *au Comité* d'adopter les mesures d'enquête et de coercition nécessaires pour assurer le respect du présent règlement conformément à la section 3. Cette demande contient toutes les informations énumérées à l'article 45, paragraphe 2, et précise les motifs de la demande d'intervention, *sur laquelle le Comité statue par vote et dont il transmet les conclusions* à la Commission.

Or. fr

## **Amendment 2025**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 46 – paragraph 2**

*Text proposed by the Commission*

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the **Commission** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Commission** to intervene.

*Amendment*

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the **Agency** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Agency** to intervene.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

## **Amendment 2026**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 47 – title**

*Text proposed by the Commission*

European **Board for Digital Services**

*Amendment*

European **Platform Agency**

Or. en

**Amendment 2027**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 47 – title**

*Text proposed by the Commission*

European **Board for Digital Services**

*Amendment*

European **Platform Agency**

Or. en

**Amendment 2028**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 47 – paragraph 1**

*Text proposed by the Commission*

1. *An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.*

*Amendment*

1. *In order to ensure the consistent application of this Regulation, the ‘European Board for Digital Services’ (the ‘Board’) is established as a body of the Union. The Board shall have legal personality. The board shall act independently when performing its task or exercising its powers. The board shall be represented by its Chair.*

Or. en

**Amendment 2029**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 1**

*Text proposed by the Commission*

1. *Un groupe consultatif indépendant de coordinateurs pour les services numériques, dénommé «Comité européen*

*Amendment*

1. *Il est établi un organe composé des coordinateurs pour les services numériques, dénommé «Comité européen*

des services numériques» (ci-après le «Comité») *est établi pour assurer la surveillance des fournisseurs de services intermédiaires.*

des services numériques» (ci-après le «Comité»)

Or. fr

#### **Amendment 2030**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation Article 47 – paragraph 1**

##### *Text proposed by the Commission*

1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.

##### *Amendment*

1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established *and shall have legal personality.*

Or. en

##### *Justification*

*Most similar boards, including in the GDPR, have legal personality. Due to the importance of the decisions taken here, it should equally be the case.*

#### **Amendment 2031**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation Article 47 – paragraph 1**

##### *Text proposed by the Commission*

1. An independent *advisory group of Digital Services Coordinators on the supervision of providers of intermediary services* named ‘European *Board for*

##### *Amendment*

1. An independent *oversight body for providers of very large online platforms* named ‘European *Platform Agency*’ (the ‘*Agency*’) is established *as a body of the*



**Digital Services'** (the '**Board**') is established.

**Union and shall have legal personality.**

Or. en

**Amendment 2032**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 47 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Agency shall be responsible for all matters relating to the application and enforcement of this Regulation for very large online platforms, in accordance with the procedures laid out in Section 3 of this Regulation.**

Or. en

**Amendment 2033**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. Le Comité *conseille les coordinateurs pour les services numériques et* la Commission *conformément au* présent règlement *pour atteindre les objectifs suivants:*

2. Le Comité *travaille en liaison avec* la Commission *pour assurer la surveillance des fournisseurs de services intermédiaires et assurer l'application du* présent règlement.

Or. fr

**Amendment 2034**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Board shall ***advise the Digital Services Coordinators and the Commission*** in accordance with this Regulation to achieve the following objectives:

*Amendment*

2. The Board shall ***take decisions*** in accordance with this Regulation to achieve the following objectives:

Or. en

**Amendment 2035**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The ***Board*** shall advise the Digital Services Coordinators ***and the Commission*** in accordance with this Regulation to achieve the following objectives:

*Amendment*

2. The ***Agency*** shall advise the Digital Services Coordinators in accordance with this Regulation to achieve the following objectives:

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV.*

**Amendment 2036**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) ***contribuer à l'application cohérente du présent règlement et à la***

*Amendment*

***supprimé***

*coopération efficace des coordinateurs pour les services numériques et de la Commission en ce qui concerne les matières relevant du présent règlement;*

Or. fr

**Amendment 2037**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 47 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) **Contributing to** the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;

*Amendment*

(a) **Ensuring** the consistent application **across the Union** of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;

Or. en

**Amendment 2038**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 47 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators **and the Commission** with regard to matters covered by this Regulation;

*Amendment*

(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators with regard to matters covered by this Regulation;

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV. To align with suggested changes to Paragraph 1.*

**Amendment 2039**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation**

**Article 47 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) contributing to the effective application of Article 3 of Directive 2000/31/EC to prevent fragmentation of the digital single market;***

Or. en

**Amendment 2040**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 47 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) coordonner les orientations et analyses de la Commission et des coordinateurs pour les services numériques et d'autres autorités compétentes sur les questions émergentes dans l'ensemble du marché intérieur en ce qui concerne les matières relevant du présent règlement, et y contribuer;***

***supprimé***

Or. fr

**Amendment 2041**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) coordinating and **contributing to** guidance and analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

*Amendment*

(b) coordinating and **providing** guidance and analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

Or. en

**Amendment 2042**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) coordinating and contributing to guidance and analysis of the **Commission and** Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

*Amendment*

(b) coordinating and contributing to guidance and analysis of the Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV.*

**Amendment 2043**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) assister les coordinateurs pour les services numériques et la Commission dans la surveillance des très grandes plateformes en ligne.** **supprimé**

Or. fr

**Amendment 2044**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 47 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.** **deleted**

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV.*

**Amendment 2045**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 47 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the competence of the Member States and of the Union institutions, the Agency may**

*cooperate with the competent authorities of third countries and with international organisations.*

*To that end, the Agency may, subject to the authorisation of the Oversight Board and after the approval of the Commission, establish working arrangements with the competent authorities of third countries and with international organisations. Those arrangements shall not create legal obligations on the Union or the Member States.*

Or. en

**Amendment 2046**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – title**

*Text proposed by the Commission*

*Amendment*

**Structure** du comité

**Organisation** du comité

Or. fr

**Amendment 2047**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – title**

*Text proposed by the Commission*

*Amendment*

Structure of the **Board**

Structure of the **Agency**

Or. en

## Amendment 2048

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 48 – paragraph 1

*Text proposed by the Commission*

1. The **Board** shall be composed of the **Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.**

*Amendment*

1. The **Agency** shall be composed of the **operating part of the Agency and an Oversight Board**.

Or. en

## Amendment 2049

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

### Proposal for a regulation

#### Article 48 – paragraph 1

*Text proposed by the Commission*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator **shall** participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

*Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator **may** participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them. **Member State has more than one representative present,**



***solely the final word of the Digital Services Coordinator shall be taken as the position of the Member State in question.***

Or. en

*Justification*

*It must be clear the hierarchy of decision-making. The Digital Services Coordinator shall have the solely final decision, including on decisions taken without a vote.*

**Amendment 2050**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

*Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator, ***notably representatives of European regulatory networks of independent national regulatory authorities, bodies or both***, shall participate in the Board . Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

**Amendment 2051**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

*Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them. ***The meeting is deemed valid when at least two third of the eligible members are present.***

Or. en

**Amendment 2052**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. ***Le Comité se compose des coordinateurs pour les services numériques, qui sont représentés par de hauts fonctionnaires.*** Lorsque le droit national le prévoit, d'autres autorités compétentes investies de responsabilités opérationnelles spécifiques en vue de l'application et du contrôle de l'application du présent règlement participent au Comité aux côtés du coordinateur pour les services numériques. D'autres autorités nationales peuvent être invitées aux réunions, lorsque les questions examinées relèvent de leurs compétences.

*Amendment*

1. Lorsque le droit national le prévoit, d'autres autorités compétentes investies de responsabilités opérationnelles spécifiques en vue de l'application et du contrôle de l'application du présent règlement participent au Comité aux côtés du coordinateur pour les services numériques. D'autres autorités nationales peuvent être invitées aux réunions, lorsque les questions examinées relèvent de leurs compétences.

Or. fr

**Amendment 2053**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Each Member State shall have one vote. The Commission shall not have voting rights.** *deleted*

**The Board shall adopt its acts by simple majority.**

Or. en

**Amendment 2054**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where a Member State has more than one representative present, solely the Digital Services Coordinator shall be able to vote.***

Or. en

*Justification*

*It must be clear the hierarchy of decision-making. The Digital Services Coordinator shall have the solely final decision, including on voting.*

**Amendment 2055**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

**The Board shall adopt its acts by simple majority.**

**deleted**

Or. en

**Amendment 2056**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**

on behalf of the ID Group

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Board shall adopt its acts by simple majority.

The Board shall adopt its acts by simple majority. ***In the event of a tied vote, the vote shall be considered void and a new vote shall be held by the Board.***

Or. en

**Amendment 2057**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Le Comité adopte ses décisions à la majorité ***simple***.

Le Comité adopte ***toutes*** ses décisions à la majorité ***qualifiée***.

Or. fr

**Amendment 2058**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 48 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. ***The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.***

***deleted***

Or. en

**Amendment 2059  
Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation  
Article 48 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Board shall be chaired by ***the Commission. The Commission*** shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.

3. The Board shall be chaired by ***a president elected within its members. The chair of the board shall not be allowed to lead any national regulatory office in their respective Member states at the same time. The chair mandate should be limited to a maximum of 3 years, renewable once. The chair of the Board*** shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.

Or. en

**Amendment 2060  
Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation  
Article 48 – paragraph 3**

*Text proposed by the Commission*

3. Le Comité est présidé par la Commission. **La Commission** convoque les réunions et prépare l'ordre du jour **conformément aux tâches du Comité au titre du présent règlement et à son règlement intérieur.**

*Amendment*

3. Le Comité est présidé par la Commission, **qui assure le secrétariat et apporte un appui administratif et analytique aux activités du Comité au titre du présent règlement.**

**Le membre du Comité représentant l'État membre assurant la présidence du Conseil** convoque les réunions et prépare l'ordre du jour, **en coordination avec la Commission.**

Or. fr

#### **Amendment 2061**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

**Article 48 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 bis. Le Comité adopte son règlement intérieur.**

Or. fr

#### **Amendment 2062**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

**Article 48 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.**

**deleted**

**Amendment 2063**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. La Commission apporte un appui administratif et analytique aux activités du Comité au titre du présent règlement.**

**supprimé**

Or. fr

**Amendment 2064**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The **Board** may invite experts and observers to attend its meetings, and may cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The **Board** shall make the results of this cooperation publicly available.

5. The **Agency** may invite experts and observers to attend its meetings, and may cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The **Agency** shall make the results of this cooperation publicly available.

Or. en

*Justification*

*To align with proposed changes to Article 47.*

**Amendment 2065**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 48 – paragraph 5**

*Text proposed by the Commission*

5. The Board may invite experts and observers to attend its meetings, and **may** cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.

*Amendment*

5. The Board may invite experts and observers to attend its meetings, and **shall** cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.

Or. en

**Amendment 2066**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 48 – paragraph 5**

*Text proposed by the Commission*

5. The Board may invite experts and observers to attend its meetings, and **may** cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.

*Amendment*

5. The Board may invite experts and observers to attend its meetings, and **shall** cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.

Or. en

**Amendment 2067**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 48 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Board shall, where appropriate, consult interested parties and**



*give them the opportunity to comment within a reasonable period. The Board shall make the results of the consultation procedure publicly available.*

Or. en

*Justification*

*As the board will potentially adopt recommendations that directly affect selected companies or different whole sectors, it is only appropriate to allow interested parties to be consulted before adopting those recommendations.*

**Amendment 2068**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 48 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Le Comité adopte son règlement intérieur une fois celui-ci approuvé par la Commission.**

**supprimé**

Or. fr

**Amendment 2069**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 48 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Board shall adopt its rules of procedure, *following the consent of the Commission.***

**6. The Board shall adopt its rules of procedure, *by a two-thirds majority of its members and shall organise its own operational arrangements.***

Or. en

**Amendment 2070**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 48 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall adopt its rules of procedure, following the consent of the Commission.

*Amendment*

6. The Board shall adopt its rules of procedure **by a two-thirds majority of its members**, following the consent of the Commission.

Or. en

*Justification*

*As is the case with other similar boards, the rules of procedures should be adopted by more than a simply majority, but less than by unanimous decision.*

**Amendment 2071**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 – paragraph 6**

*Text proposed by the Commission*

6. The **Board** shall adopt its rules of procedure, **following the consent of the Commission**.

*Amendment*

6. The **Agency** shall adopt its rules of procedure.

Or. en

*Justification*

*To align with proposed changes to Article 47 and to Section 3.*

**Amendment 2072**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 48 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall adopt its rules of procedure, ***following the consent of*** the Commission.

*Amendment*

6. The Board shall adopt its rules of procedure ***and inform*** the Commission ***thereof***.

Or. en

**Amendment 2073**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 48a***

***Independence of the Agency and combating fraud***

- 1. When carrying out the tasks conferred upon it, the Agency shall act independently and objectively in the interests of the Union and the fundamental rights laid down in the Charter, regardless of any particular national or personal interests.***
- 2. Without prejudice to coordination as referred to in Articles 45 and 46 and the inclusion of external expertise referred to in Articles 45 paragraph 5 and 48 c (new) and Section 3, the Agency shall neither seek nor take instructions from any government, institution, corporation, person or body.***
- 3. The Agency shall establish a public database documenting its exchanges with external stakeholders, particularly corporate and other financial interests. This database should be easily accessible and constantly available on the***

*Agency's website and continuously updated. The Agency shall draw up an annual report on its activities under this Regulation. It shall make the annual reports available to the public, and shall communicate them to the Digital Services Coordinators, the Commission and the Parliament. The annual report shall include at least the following information:*

*(a) the number and subject matter of complaints and proceedings*

*(b) the number and subject matter of exchanges with representatives reported in the database established in paragraph 3.*

*(c) if applicable, findings and recommendations from the Advisory Forum on the topics mentioned in Article 48c(1).*

*4. In order to facilitate the fight against fraud, corruption and other illegal activities under Regulation (EU, Euratom) No.883/2013 of the European Parliament and of the Council, the Agency shall, within six months from the day that it becomes operational, accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by OLAF and shall adopt appropriate provisions applicable to all employees of the Agency using the template set out in the Annex to that Agreement.*

*5. The Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.*

*6. OLAF may carry out investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption*

*or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No.883/2013 of the European Parliament and of the Council and in Council Regulation (Euratom, EC) No. 2185/96.*

Or. en

*Justification*

*The Agency needs to be independent of corporate, national and other interests to fulfill its oversight role for very large online platforms. The Agency should have its own transparency registry and publish annual reports, which should include the year's lobbyist contacts.*

**Amendment 2074**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48b**

**Oversight Board**

**1. The Oversight Board shall ensure that the Agency performs the tasks assigned to it in this Regulation, in accordance with the procedures laid out in Section 3.**

**2. The Oversight Board shall be gender balanced and composed of 15 members. Five of the members shall represent Digital Services Coordinators. At least two of the members shall have their background in organisations representing consumers and at least two members shall have their background in human rights risk assessment. One member shall represent the Commission.**

*The members are appointed by the European Parliament in consultation with the Council from a gender balanced list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed.*

*The list drawn up by the Commission, accompanied by the relevant documentation, shall be forwarded to the European Parliament. As soon as possible and within three months of such communication, the Council may make its views available for consideration by the European Parliament, which will then appoint the Oversight Board.*

*The members of the Board shall be appointed in such a way as to secure the highest standards of competence and expertise covering a broad range of relevant fields, among them consumer protection, data protection, computer science, human rights, user experience and technology design, economics, sociology and law, covering a broad range of experiences and backgrounds and, consistent with these, the broadest possible geographic distribution within the Union.*

*Members of the Oversight Board cannot work for very large online platforms and must disclose any funding received by very large online platforms for previous work. Members need to provide written commitments not to work for very large online platforms or a professional organisation or business association of which the platform is a member for a period of three years after their position in the Oversight Board.*

- 3. Members' term of office shall be four years, and may be renewed once.*
- 4. Unless otherwise provided, the Oversight Board shall act by a majority of its members.*
- 5. The Oversight Board shall adopt*

*its rules of procedure as well as adopt the Agency's internal rules. These rules shall be made public.*

**6. The Oversight Board shall elect one of its members as its Chair for a two-year period, which shall be renewable. The Chair shall represent the Oversight Board.**

**7. The Oversight Board shall meet at the invitation of the Chair or at the request of at least a third of its members.**

**8. The Oversight Board shall be supported by a Secretariat.**

Or. en

#### *Justification*

*The Agency needs a strong, independent oversight body to enforce the rules in this Regulation for very large online platforms. The Commission, while independent of national governments, is still a political body and thus not well-equipped to enforce this Regulation, also considering the potential conflict of interest when the Commission both drafts and enforces the rules for very large online platforms. Thus, the Agency will comprise an independent regulatory body that oversees very large online platforms.*

#### **Amendment 2075**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

**Article 48 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48c**

#### **Budget of the Agency**

**1. Without prejudice to other resources and dues yet to be defined, revenue of the Agency shall include a Union subsidy entered in the general budget of the European Union and an annual supervisory fee on very large only platforms, as defined in Article 25.**

**2. The expenditure of the Agency shall cover staff, administrative and infrastructure expenditure, operating costs and expenditure associated with the functioning of the Advisory Forum, and the contracts and agreements concluded by the Agency in order to accomplish the tasks entrusted to it.**

**3. Revenue and expenditure shall be in balance.**

**4. The Agency shall levy an annual supervisory fee on very large online platforms, as defined in Article 25. The fee shall not exceed the costs incurred in relation to the supervisory tasks in relation to Articles 25 to 33 of this Regulation.**

**The Commission shall adopt delegated acts in accordance with Article 69 establishing calculation methods to determine the specific fee for each very large online platform as defined in Article 25 for the implementation of this Article.**

**This Article is without prejudice to the right of national competent authorities to levy fees in accordance with national law.**

**5. Each year, the Agency, based on the draft estimate of expenditure and revenue, shall draw up the estimate of its revenue and expenditure for the next financial year. The Agency shall, by 31 March, forward the statement of estimates, which shall include a draft establishment plan together with the provisional annual work programme, to the Commission. The statement of estimates shall be forwarded by the Commission to the European Parliament and to the Council (hereinafter the 'budgetary authority') together with the draft general budget of the European Union. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the**



*general budget, which it shall place before the budgetary authority in accordance with Article 314 of the Treaty on the Functioning of the European Union. The budgetary authority shall authorise the appropriations for the subsidy to the Agency and shall adopt the establishment plan for the Agency.*

*6. The budget shall be adopted by the Agency. It shall become final following definitive adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.*

*7. The Agency shall, as soon as possible, notify the budgetary authority of its intention to implement any project which will have significant financial implications for the funding of the budget.*

*8. Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Agency within a period of six weeks from the date of notification of the project.*

Or. en

#### *Justification*

*The Agency requires a budget from the Union budget. Very large online platforms need to cover the costs of supervision of the Articles 25-33, which contain the obligations specifically for very large online platforms, through supervisory fees to the Agency. Just as in banking supervision, where the ECB directly oversees significant (particularly large, systemic) banks and these banks pay a supervisory fee to cover the costs of their supervision, see for example Regulation (EU) No 1163/2014 of the European Central Bank. These fees will not exceed the costs of supervision.*

#### **Amendment 2076**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

**Article 48 d (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48d**

**Staff of the Agency**

- 1. The Staff Regulations of Officials of the European Union, the Conditions of Employment of Other Servants and the rules adopted jointly by the institutions of the Union for the purposes of the application of those Staff Regulations and Conditions of Employment shall apply to the staff employed by the Agency.**
- 2. The staff of the Agency shall consist of servants recruited by the Agency as necessary to perform its tasks. They shall have security clearances appropriate to the classification of the information they are handling.**
- 3. The Agency's internal rules, such as the rules of procedure of the Oversight Board, the financial rules applicable to the Agency, the rules for the application of the staff regulations and the rules for access to documents, shall ensure the autonomy and independence of staff.**

Or. en

**Amendment 2077**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 e (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48e**

**Headquarters agreement and operating conditions**

- 1. The Agency shall be headquartered in Brussels, Belgium.**

**2. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State, together with the specific rules applicable in the host Member State to the members of the Oversight Board, staff and members of their families, shall be laid down in a Headquarters agreement between the Agency and the Member State where the seat is located, to be concluded after obtaining the approval of the Management Board and no later than one year after this regulation enters into force.**

**3. The Agency's host Member State shall provide the best possible conditions to ensure the smooth and efficient functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.**

Or. en

*Justification*

*A decision on the location of the headquarter of the new agency will have to be taken.*

**Amendment 2078**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 f (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48f**

**Commencement of the Agency's activities**

**1. The Agency shall become operational with the capacity to implement its own budget by the date on which this regulation enters into application.**

2. *The Commission shall be responsible for the establishment and initial operation of the Agency until the Agency becomes operational. For that purpose, until the Oversight Board takes up its duties following its appointment, the Commission may designate five Commission officials to act as an interim Oversight Board.*

Or. en

*Justification*

*To allow for a speedy set-up of the Agency, the Commission can initially fulfill some of the operational tasks of the Agency.*

**Amendment 2079**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – title**

*Text proposed by the Commission*

*Amendment*

Tasks of the **Board**

**Coordinatory** tasks of the **Agency**

Or. en

**Amendment 2080**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where necessary to meet the objectives set out in Article 47(2), the **Board** shall in particular:

1. Where necessary to meet the objectives set out in Article 47(2), the **Agency** shall in particular:

**Amendment 2081**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 49 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) continually develop guidance and best practices for the development and design of interfaces to minimise dark patterns;*

Or. en

**Amendment 2082**  
**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 49 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) issue specific recommendations for the implementation of Article 27 and advise on possible application of sanctions in case of repeated non-compliance;*

Or. en

**Amendment 2083**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 49 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) convene regular joint meetings of all Digital Service Coordinators for them to exchange on and coordinate their supervisory activities;***

Or. en

**Amendment 2084**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;***

***deleted***

Or. en

**Amendment 2085**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) conseille la Commission en ce qui concerne les mesures à prendre au titre de l'article 51 et, lorsque la Commission le demande, adopte des avis sur les projets de mesures de la Commission concernant les très grandes plateformes en ligne conformément au présent règlement;***

***(d) décide des mesures à prendre au titre des articles 51, 55, 56, 57, 58, 59 et 60 du présent règlement;***

**Amendment 2086**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) advise the Commission to take the measures referred to in Article 51 and, **where requested by the Commission**, adopt opinions on **draft Commission measures** concerning very large online platforms in accordance with this Regulation;

*Amendment*

(d) advise the Commission to take the measures referred to in Article 51 and, adopt opinions on **issues** concerning very large online platforms in accordance with this Regulation;

Or. en

**Amendment 2087**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) **advise the Commission** to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;

*Amendment*

(d) **decide** to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;

Or. en

**Amendment 2088**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera**

**Proposal for a regulation**  
**Article 49 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) monitor derogations from the internal market clause in accordance with Article 3 of Directive 2000/31/EC and ensure that the conditions for derogation are interpreted strictly and narrowly to ensure consistent application of this Regulation;***

Or. en

**Amendment 2089**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Barbara Thaler**

**Proposal for a regulation**  
**Article 49 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.

(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts ***in close collaboration with relevant stakeholders*** as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.

Or. en

**Amendment 2090**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 49 – paragraph 1 – point e a (new)**



*Text proposed by the Commission*

*Amendment*

*(ea) issue opinions, recommendations or advice on matters related to Article 34.*

Or. en

**Amendment 2091**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 49 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Les coordinateurs pour les services numériques et autres autorités compétentes nationales qui ne suivent pas les avis, demandes ou recommandations adoptés par le Comité et qui leur ont été adressés motivent ce choix dans les rapports qu'ils établissent conformément au présent règlement ou lors de l'adoption des décisions pertinentes, le cas échéant.**

**supprimé**

Or. fr

**Amendment 2092**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 49 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 49a**

**Reports**

**1. The Board shall draw up an annual report regarding its actions. The report shall be made public and be transmitted to the European Parliament,**

*to the Council and to the Commission in all official languages of the Member States.*

*2. The annual report shall include, among other information, a review of the practical application of the opinions, guidelines, recommendations advice and any other measures taken under Article 49(1).*

Or. en

*Justification*

*The Board should be required to produce an annual reports as to its actions.*

**Amendment 2093**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

**Proposal for a regulation  
Article 49 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 49b*

***Confidentiality***

*1. The discussions of the Board shall be confidential where the Board deems it necessary, as provided for in its rules of procedure.*

*2. Access to documents submitted to members of the Board, experts and representatives of third parties shall be governed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council.*

Or. en

*Justification*

*As the board will discuss matters that directly relate to the core of many businesses, it is only correct that its actions should take into consideration the need for confidentiality of conversations and any documents provided to the board.*

**Amendment 2094**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – title**

*Text proposed by the Commission*

**Enhanced** supervision for very large online platforms

*Amendment*

Supervision for very large online platforms

Or. en

**Amendment 2095**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

***Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.***

*Amendment*

***The Agency is tasked with supervising very large online platforms in regard to the provisions of Section 4 of Chapter III.***

Or. en

*Justification*

*The supervision of VLOPs shall lie with the Agency.*

**Amendment 2096**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. ***It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.***

*Amendment*

Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. ***The Board, this acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, shall, where it has reasons to suspect that a very large online platform infringed any of those provisions, make use of the enhanced supervision system laid down in this article.***

Or. en

**Amendment 2097**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

La Commission agissant de sa propre initiative, ou le Comité agissant de sa propre initiative ou à la demande d'au moins trois coordinateurs d'États membres de destination pour les services numériques, peut, lorsqu'il/elle a des raisons de soupçonner qu'une très grande plateforme en ligne a enfreint une des dispositions précitées, recommander au coordinateur de l'État membre d'établissement pour les services numériques d'enquêter sur l'infraction présumée, afin que ledit coordinateur pour les services numériques adopte, dans un

*Amendment*

***Le coordinateur pour les services numériques de l'État membre concerné agissant de sa propre initiative, la Commission agissant de sa propre initiative, ou le Comité agissant de sa propre initiative ou à la demande d'au moins trois coordinateurs d'États membres de destination pour les services numériques, peut, lorsqu'il/elle a des raisons de soupçonner qu'une très grande plateforme en ligne a enfreint une des dispositions précitées, recommander au coordinateur de l'État membre d'établissement pour les services***

délai raisonnable, une décision telle que visée au premier alinéa.

numériques d'enquêter sur l'infraction présumée, afin que ledit coordinateur pour les services numériques adopte, dans un délai raisonnable, une décision telle que visée au premier alinéa.

Or. fr

#### **Amendment 2098**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 50 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

The **Commission** acting on its own initiative, **or the Board acting on its own initiative** or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of **those** provisions, **recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.**

##### *Amendment*

The **Agency** acting on its own initiative, or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of **the provisions of Section 4 of Chapter III**, investigate the suspected infringement **and communicate this decision to the very large online platform concerned.**

Or. en

##### *Justification*

*The supervision of VLOPs shall lie with the Agency.*

#### **Amendment 2099**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Katalin Cseh**

#### **Proposal for a regulation**

#### **Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *may*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within *a reasonable time period*.

*Amendment*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *shall*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision *without undue delay and in any event* within *two months*.

Or. en

**Amendment 2100**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *may*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

*Amendment*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *shall*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

Or. en

**Amendment 2101**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 50 – paragraph 2**

*Text proposed by the Commission*

2. Lorsqu'il communique la décision visée au premier alinéa du paragraphe 1 à la très grande plateforme en ligne concernée, le coordinateur de l'État membre d'établissement pour les services numériques lui demande d'établir et de communiquer au coordinateur de l'État membre d'établissement pour les services numériques, à la Commission et au Comité, dans un délai d'un mois à compter de ladite décision, un plan d'action, spécifiant les mesures que la plateforme concernée compte adopter pour faire cesser l'infraction ou y remédier. ***Les mesures énoncées dans le plan d'action peuvent comprendre, le cas échéant, la participation à un code de conduite élaboré en vertu de l'article 35.***

*Amendment*

2. Lorsqu'il communique la décision visée au premier alinéa du paragraphe 1 à la très grande plateforme en ligne concernée, le coordinateur de l'État membre d'établissement pour les services numériques lui demande d'établir et de communiquer au coordinateur de l'État membre d'établissement pour les services numériques, ***au coordinateur pour les services numériques de l'État membre concerné***, à la Commission et au Comité, dans un délai d'un mois à compter de ladite décision, un plan d'action, spécifiant les mesures que la plateforme concernée compte adopter pour faire cesser l'infraction ou y remédier.

Or. fr

**Amendment 2102**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 50 – paragraph 2**

*Text proposed by the Commission*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the ***Digital Services Coordinator of establishment*** shall request ***it*** to draw up and communicate to the ***Digital Services Coordinator of establishment, the Commission and the***

*Amendment*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the ***Agency*** shall request ***the very large online platform*** to draw up and communicate to the ***Agency***, within one month from that decision, an action plan, specifying how that platform

**Board**, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

Or. en

### **Amendment 2103**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **Proposal for a regulation Article 50 – paragraph 2**

##### *Text proposed by the Commission*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may **include**, where appropriate, participation in a code of conduct as provided for in Article 35.

##### *Amendment*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may **recommend**, where appropriate, participation in a code of conduct as provided for in Article 35.

Or. en

### **Amendment 2104**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation Article 50 – paragraph 3 – subparagraph 1**



*Text proposed by the Commission*

Within one month following receipt of the action plan, the Board ***shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator*** shall decide whether the action plan is appropriate to terminate or remedy the infringement.

*Amendment*

Within one month following receipt of the action plan, the Board shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Or. en

**Amendment 2105**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Within one month following receipt of the action plan, the ***Board shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator*** shall decide whether the action plan is appropriate to terminate or remedy the infringement.

*Amendment*

Within one month following receipt of the action plan, the ***Agency*** shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Or. en

**Amendment 2106**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 50 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Lorsque le coordinateur de l'État membre d'établissement pour les services numériques n'est pas convaincu que les mesures permettront de faire cesser l'infraction ou d'y remédier, il peut demander **à la très grande plateforme en ligne concernée de se soumettre à un audit indépendant supplémentaire, afin d'évaluer l'efficacité de ces mesures pour faire cesser l'infraction ou y remédier. Dans ce cas de figure, la plateforme envoie le rapport d'audit à ce coordinateur pour les services numériques, à la Commission et au Comité dans un délai de quatre mois à compter de la décision visée au premier alinéa. Lorsqu'il demande un tel audit supplémentaire, le coordinateur pour les services numériques peut spécifier un organisme d'audit, sélectionné sur la base des critères énoncés à l'article 28, paragraphe 2, pour réaliser l'audit, aux frais de la plateforme concernée.**

*Amendment*

Lorsque le coordinateur de l'État membre d'établissement pour les services numériques n'est pas convaincu que les mesures permettront de faire cesser l'infraction ou d'y remédier, il peut demander au Comité **de réévaluer la question. Celui-ci adopte une décision, par suite de laquelle il exerce ou non les pouvoirs prévus aux articles 51, 55, 56, 57, 58, 59 et 60.**

Or. fr

**Amendment 2107**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where the **Digital Services Coordinator of establishment** has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the

*Amendment*

Where the **Agency** has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform

infringement. In that case, that platform shall send the audit report to **that Digital Services Coordinator, the Commission and the Board** within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the **Digital Services Coordinator** may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

shall send the audit report to **the Agency** within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the **Agency** may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

Or. en

## **Amendment 2108**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation Article 50 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Le coordinateur de l'État membre d'établissement pour les services numériques communique de manière argumentée à la Commission, au Comité et à la très grande plateforme en ligne concernée son point de vue sur la question de savoir si la très grande plateforme en ligne a fait cesser l'infraction ou y a remédié, et ce, dans les délais suivants, selon le cas:**

**supprimé**

**(a) dans un délai d'un mois à compter de la réception du rapport d'audit visé au second alinéa du paragraphe 3, lorsqu'un tel audit a été réalisé;**

**(b) dans un délai de trois mois à compter de la décision relative au plan d'action visée au premier alinéa du paragraphe 3, lorsqu'aucun audit de cette nature n'a été réalisé;**

**(c) dès l'expiration du délai prévu au paragraphe 2, lorsque la plateforme concernée n'a pas communiqué le plan**

*d'action dans ce délai.*

*À la suite de cette communication, le coordinateur de l'État membre d'établissement pour les services numériques n'est plus habilité à adopter des mesures d'enquête ou de coercition vis-à-vis de la conduite en cause de la très grande plateforme en ligne concernée, sans préjudice de l'article 66 ou de toute mesure qu'il pourrait prendre à la demande de la Commission.*

Or. fr

**Amendment 2109**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

4. The **Digital Services Coordinator of establishment** shall communicate to **the Commission, the Board and** the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

4. The **Agency** shall communicate to the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

Or. en

**Amendment 2110**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 50 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

4. The **Digital Services Coordinator of establishment** shall communicate to the Commission, **the Board** and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

4. The **Board** shall communicate to the Commission and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

Or. en

#### **Amendment 2111**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

**Article 50 – paragraph 4 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) within **three** months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;

(b) within **one** months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;

Or. en

#### **Amendment 2112**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

**Article 50 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant***

***deleted***

*conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.*

Or. en

**Amendment 2113**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 50 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.

*Amendment*

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission ***or the Board.***

Or. en

**Amendment 2114**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 51 – title**

*Text proposed by the Commission*

Intervention by the Commission and opening of proceedings

*Amendment*

Intervention by the Commission and ***the Board and*** opening of proceedings

Or. en

**Amendment 2115**  
**Alexandra Geese**

on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – title**

*Text proposed by the Commission*

*Amendment*

***Intervention by the Commission and***  
opening of proceedings

Opening of proceedings

Or. en

*Justification*

*The supervision of VLOPs shall lie with the Agency.*

**Amendment 2116**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. La Commission, agissant soit sur ***recommandation*** du Comité, soit de sa propre initiative après avoir consulté le Comité, peut engager une procédure en vue de l'éventuelle adoption de décisions au titre des articles 58 et 59 à l'égard de la conduite en cause d'une très grande plateforme en ligne qui:

1. La Commission, agissant soit sur ***instruction*** du Comité, soit de sa propre initiative après avoir consulté le Comité, peut engager une procédure en vue de l'éventuelle adoption de décisions au titre des articles 58 et 59 à l'égard de la conduite en cause d'une très grande plateforme en ligne qui ***est soupçonnée d'avoir enfreint une des dispositions du présent règlement.***

Or. fr

**Amendment 2117**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The **Commission**, acting either upon the **Board's recommendation or on its own initiative after consulting the Board**, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

*Amendment*

1. The **Agency** may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

**Amendment 2118**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 51 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Commission, acting either upon the **Board's** recommendation or on **its** own initiative **after consulting the Board**, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

*Amendment*

1. The Commission **or the Board**, acting either upon the recommendation **of at least three Digital Services Coordinators of destination** or on **their** own initiative, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

**Amendment 2119**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné**

**Proposal for a regulation**

**Article 51 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Commission, acting either upon the Board's recommendation or on its

*Amendment*

1. The Commission, acting either upon the Board's recommendation or on its



own initiative after consulting the Board, **may** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

own initiative after consulting the Board, **shall** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

#### **Amendment 2120**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoș Pîslaru, Katalin Cseh**

#### **Proposal for a regulation**

#### **Article 51 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, **may** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

##### *Amendment*

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, **shall** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

#### **Amendment 2121**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 51 – paragraph 1 – point a**

##### *Text proposed by the Commission*

**(a) est soupçonnée d’avoir enfreint une des dispositions du présent règlement alors que le coordinateur de l’État membre d’établissement pour les services numériques n’a adopté aucune mesure d’enquête ou de coercition à la suite de la demande de la Commission visée à**

##### *Amendment*

**supprimé**

*l'article 45, paragraphe 7, dès l'expiration du délai fixé dans cette demande;*

Or. fr

**Amendment 2122**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) est soupçonnée d'avoir enfreint une des dispositions du présent règlement alors que le coordinateur de l'État membre d'établissement pour les services numériques a demandé à la Commission d'intervenir conformément à l'article 46, paragraphe 2, dès réception de cette demande;*

*supprimé*

Or. fr

**Amendment 2123**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Board or the** Commission to intervene in accordance with Article 46(2), upon the reception of that request;

Or. en

**Amendment 2124**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Commission** to intervene in accordance with Article 46(2), upon the reception of that request;

*Amendment*

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Agency** to intervene in accordance with Article 46(2), upon the reception of that request;

Or. en

**Amendment 2125**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) *a été considérée comme ayant enfreint une des dispositions de la section 4 du chapitre III, à l'expiration du délai pertinent pour la communication visée à l'article 50, paragraphe 4.*

*Amendment*

*supprimé*

Or. fr

**Amendment 2126**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) has been found to not implement the operational recommendations from the independent audit as laid out in Article 28(4).**

Or. en

**Amendment 2127**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned. ***If the Commission decides not to initiate proceedings pursuant to paragraph 1, it shall inform the Board in writing of its reasons.***

Or. en

**Amendment 2128**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Where ***the Board or*** the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

**Amendment 2129**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Lorsque la Commission décide d'engager une procédure en vertu du paragraphe 1, elle en informe tous les coordinateurs pour les services numériques, le Comité et la très grande plateforme en ligne concernée.

*Amendment*

Lorsque la Commission **engage ou** décide d'engager une procédure en vertu du paragraphe 1, elle en informe tous les coordinateurs pour les services numériques, le Comité et la très grande plateforme en ligne concernée.

Or. fr

**Amendment 2130**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Katalin Cseh**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

**Where** the Commission **decides to initiate** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

*Amendment*

**When** the Commission **initiates** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. en

**Amendment 2131**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-Courtin, Fabienne Keller, Stéphane Séjourné**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

**Where** the Commission **decides to initiate** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

*Amendment*

**When** the Commission **initiates** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. en

**Amendment 2132**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where the **Commission** decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, **the Board** and the very large online platform concerned.

*Amendment*

Where the **Agency** decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators and the very large online platform concerned.

Or. en

**Amendment 2133**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

***S'agissant des points a) et b) du paragraphe 1, à la suite de cette notification, le coordinateur de l'État membre d'établissement pour les services numériques concerné n'est plus habilité à adopter des mesures d'enquête ou de coercition vis-à-vis de la conduite en cause de la très grande plateforme en***

*Amendment*

***supprimé***

*ligne concernée, sans préjudice de l'article 66 ou de toute mesure qu'il pourrait prendre à la demande de la Commission.*

Or. fr

**Amendment 2134**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to **Article 66 or any other** measures that it may take at the request of the **Commission**.

*Amendment*

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to **any** measures that it may take at the request of the **Agency**.

Or. en

**Amendment 2135**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the

*Amendment*

3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the

*Commission:*

*Agency:*

Or. en

**Amendment 2136**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 51 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Le coordinateur pour les services numériques visé à l'article 45, paragraphe 7, à l'article 46, paragraphe 2, et à l'article 50, paragraphe 1, selon le cas, transmet à la Commission dans les meilleurs délais après avoir été informé:

*Amendment*

3. Le coordinateur pour les services numériques visé à l'article 46, paragraphe 2, et à l'article 50, paragraphe 1, selon le cas, transmet à la Commission dans les meilleurs délais après avoir été informé:

Or. fr

**Amendment 2137**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the **Board and with the** very large online platform concerned;

*Amendment*

(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the very large online platform concerned;

Or. en

**Amendment 2138**

**Alexandra Geese**

on behalf of the Greens/EFA Group



**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 51 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the **Commission**.

*Amendment*

(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the **Agency**.

Or. en

**Amendment 2139  
Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 51 – paragraph 4**

*Text proposed by the Commission*

4. **The Board, and** the Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the **Commission**.

*Amendment*

4. The Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the **Agency**.

Or. en

**Amendment 2140  
Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Article 51 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 51a**

### *Requirements for the Commission*

- 1. The Commission shall perform its tasks under this Regulation in an impartial, transparent and timely manner. The Commission shall ensure that its units given responsibility for this regulation have the adequate technical, financial and human resources to carry out their tasks.*
- 2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Commission shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.*

Or. en

### *Justification*

*Similar to competition policy, it is vital that the Commission acts in an apolitical manner and that decisions are not effected by other priorities of the Commission or the influence of outside bodies, be it other EU institutions, Member States or anyone else.*

### **Amendment 2141**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

### **Proposal for a regulation**

### **Article 52 – paragraph 1**

#### *Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits

#### *Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, ***their legal representatives***, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including

referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Or. en

### **Amendment 2142**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 52 – paragraph 1**

##### *Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

##### *Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission **and the Board** may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Or. en

### **Amendment 2143**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 52 – paragraph 1**

##### *Text proposed by the Commission*

1. Pour l'accomplissement des tâches qui lui sont assignées par la présente section, la Commission peut, par simple demande ou par voie de décision,

##### *Amendment*

1. Pour l'accomplissement des tâches qui lui sont assignées par la présente section, la Commission peut, par simple demande ou par voie de décision,

demander aux très grandes plateformes en ligne concernées, ainsi qu'à toute autre personne agissant pour les besoins de leur activité, commerciale, industrielle, artisanale ou libérale raisonnablement susceptible d'avoir connaissance de renseignements relatifs à l'infraction présumée ou à l'infraction, selon le cas, y compris aux organisations réalisant *les audits visés* à l'article 28 *et à l'article 50, paragraphe 3*, de fournir ces renseignements dans un délai raisonnable.

demander aux très grandes plateformes en ligne concernées, ainsi qu'à toute autre personne agissant pour les besoins de leur activité, commerciale, industrielle, artisanale ou libérale raisonnablement susceptible d'avoir connaissance de renseignements relatifs à l'infraction présumée ou à l'infraction, selon le cas, y compris aux organisations réalisant *l'audit visé* à l'article 28 de fournir ces renseignements dans un délai raisonnable.

Or. fr

#### **Amendment 2144**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 52 – paragraph 1**

##### *Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the **Commission** may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

##### *Amendment*

1. In order to carry out the tasks assigned to it under this Section, the **Agency** may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Or. en

#### **Amendment 2145**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 52 – paragraph 2**

*Text proposed by the Commission*

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

*Amendment*

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information. ***The purpose shall include reasoning on why and how the information is necessary, proportionality to the purpose and cannot be received by other means.***

Or. en

*Justification*

*The Commission should provide not only a reason for a request but why they cannot get the information some other way and why it is a proportion request. The Commission should not be able to make unlimited requests.*

**Amendment 2146**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 52 – paragraph 2**

*Text proposed by the Commission*

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the ***Commission*** shall state the legal basis and the purpose of the request, specify what information is required and set the time

*Amendment*

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the ***Agency*** shall state the legal basis and the purpose of the request, specify what information is required and set the time period within

period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

Or. en

**Amendment 2147**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. Lorsque la Commission demande à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1, de fournir des renseignements, elle indique la base juridique et le but de la demande, précise les renseignements demandés et fixe le délai dans lequel ils doivent être fournis. Elle indique également les sanctions prévues à l'article 59 et indique ou inflige les astreintes prévues à l'article 60. Elle indique encore le droit de recours ouvert devant la Cour de justice de l'Union européenne contre la décision.

*Amendment*

3. Lorsque la Commission demande à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1, de fournir des renseignements, elle indique la base juridique et le but de la demande, précise les renseignements demandés et fixe le délai dans lequel ils doivent être fournis. Elle indique également les sanctions prévues à l'article 59 et indique ou inflige les astreintes prévues à l'article 60. Elle indique encore le droit de recours ouvert devant la Cour de justice de l'Union européenne contre la décision *faisant grief prise en application du présent article*.

Or. fr

**Amendment 2148**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall

*Amendment*

3. Where the Commission *or the Board* requires the very large online platform concerned or other person referred to in Article 52(1) to supply

state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

#### **Amendment 2149**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 52 – paragraph 3**

##### *Text proposed by the Commission*

3. Where the *Commission* requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

##### *Amendment*

3. Where the *Agency* requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

#### **Amendment 2150**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 52 – paragraph 4**

*Text proposed by the Commission*

4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform concerned or other person referred to in Article 52(1).

***Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.***

*Amendment*

4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

*Justification*

*This is not needed as a very large online platform can have their lawyer serve as their "representative" per the first half of the sentence. Moreover a lawyer is responsible for their own actions but cannot be held responsible for those of their client, including providing potentially false information to the lawyer.*

**Amendment 2151**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. At the request of the Commission, the Digital Services Coordinators and other competent authorities shall provide the Commission with all necessary information to carry out the tasks assigned to it under this Section.

*Amendment*

5. At the request of the Commission ***or the Board***, the Digital Services Coordinators and other competent authorities shall provide the Commission ***or the Board*** with all necessary information to carry out the tasks assigned to it under this Section.



**Amendment 2152**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. At the request of the **Commission**, the Digital Services Coordinators and other competent authorities shall provide the **Commission** with all necessary information to carry out the tasks assigned to it under this Section.

*Amendment*

5. At the request of the **Agency**, the Digital Services Coordinators and other competent authorities shall provide the **Agency** with all necessary information to carry out the tasks assigned to it under this Section.

**Amendment 2153**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 53 – paragraph 1**

*Text proposed by the Commission*

In order to carry out the tasks assigned to it under this Section, the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

*Amendment*

In order to carry out the tasks assigned to it under this Section, the Commission **and the Board** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

**Amendment 2154**

**Alexandra Geese**

on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 53 – paragraph 1**

*Text proposed by the Commission*

In order to carry out the tasks assigned to it under this Section, the **Commission** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

*Amendment*

In order to carry out the tasks assigned to it under this Section, the **Agency** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

Or. en

**Amendment 2155**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 54**

*Text proposed by the Commission*

*Article 54*

***Power to conduct on-site inspections***

- 1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).***
- 2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).***
- 3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other***

*Amendment*

***deleted***

*person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).*

*4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.*

Or. en

#### **Amendment 2156**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 54 – paragraph 1**

##### *Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

##### *Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission **or the Board** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

#### **Amendment 2157**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the **Commission** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

*Amendment*

1. In order to carry out the tasks assigned to it under this Section, the **Agency** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

**Amendment 2158**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 54 – paragraph 2**

*Text proposed by the Commission*

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).

*Amendment*

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission **or the Board** pursuant to Article 57(2).

Or. en



**2020/0361(COD)**

8.7.2021

# **AMENDMENT 2159 - 2297**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



**Amendment 2159**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 54 – paragraph 2**

*Text proposed by the Commission*

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the **Commission** pursuant to Article 57(2).

*Amendment*

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the **Agency** pursuant to Article 57(2).

Or. en

**Amendment 2160**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 54 – paragraph 3**

*Text proposed by the Commission*

3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

*Amendment*

3. During on-site inspections the Commission **or the Board** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

**Amendment 2161**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 54 – paragraph 3**

*Text proposed by the Commission*

3. During on-site inspections the **Commission** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The **Commission** and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

*Amendment*

3. During on-site inspections the **Agency** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The **Agency** and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

**Amendment 2162**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 54 – paragraph 4**

*Text proposed by the Commission*

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

*Amendment*

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission **or the Board**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en



## Amendment 2163

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 54 – paragraph 4

##### *Text proposed by the Commission*

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the **Commission**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

##### *Amendment*

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the **Agency**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

## Amendment 2164

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### Proposal for a regulation

#### Article 55 – paragraph 1

##### *Text proposed by the Commission*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

##### *Amendment*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order **proportionate** interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement, **without prejudice to fundamental rights**.

Or. en

## Amendment 2165

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

### Proposal for a regulation Article 55 – paragraph 1

#### *Text proposed by the Commission*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

#### *Amendment*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, **and after consulting the Board**, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

## Amendment 2166

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation Article 55 – paragraph 1

#### *Text proposed by the Commission*

1. Dans le contexte des procédures susceptibles de mener à l'adoption d'une décision constatant un manquement en application de l'article 58, paragraphe 1, en cas d'urgence justifiée par le fait qu'un préjudice grave risque d'être causé aux bénéficiaires du service, la Commission **peut**, par voie de décision, ordonner des mesures provisoires à l'encontre de la très grande plateforme en ligne concernée sur la base d'un constat prima facie d'infraction.

#### *Amendment*

1. Dans le contexte des procédures susceptibles de mener à l'adoption d'une décision constatant un manquement en application de l'article 58, paragraphe 1, en cas d'urgence justifiée par le fait qu'un préjudice grave risque d'être causé aux bénéficiaires du service, la Commission **et le Comité peuvent**, par voie de décision, ordonner des mesures provisoires à l'encontre de la très grande plateforme en ligne concernée sur la base d'un constat prima facie d'infraction.

Or. fr

## **Amendment 2167**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Article 55 – paragraph 1**

##### *Text proposed by the Commission*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

##### *Amendment*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission **or the Board** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

## **Amendment 2168**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 55 – paragraph 1**

##### *Text proposed by the Commission*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the **Commission** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

##### *Amendment*

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the **Agency** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

**Amendment 2169**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 56**

*Text proposed by the Commission*

*Amendment*

**Article 56**

**deleted**

**Commitments**

- 1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.**
- 2. The Commission may, upon request or on its own initiative, reopen the proceedings:**
  - (a) where there has been a material change in any of the facts on which the decision was based;**
  - (b) where the very large online platform concerned acts contrary to its commitments; or**
  - (c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).**
- 3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.**

Or. en

**Proposal for a regulation**  
**Article 56**

*Text proposed by the Commission*

*Amendment*

**Article 56**

**deleted**

**Commitments**

**1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.**

**2. The Commission may, upon request or on its own initiative, reopen the proceedings:**

**(a) where there has been a material change in any of the facts on which the decision was based;**

**(b) where the very large online platform concerned acts contrary to its commitments; or**

**(c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).**

**3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.**

Or. en

## Amendment 2171

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit  
on behalf of the ID Group

### Proposal for a regulation

#### Article 56 – paragraph 1

##### *Text proposed by the Commission*

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

##### *Amendment*

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may, by decision **and after consulting the Board**, make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

Or. en

## Amendment 2172

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 56 – paragraph 1

##### *Text proposed by the Commission*

1. Si, au cours d'une procédure au titre de la présente section, la très grande plateforme en ligne concernée propose des engagements afin de garantir le respect des dispositions pertinentes du présent règlement, la Commission peut, **par voie de décision, rendre** ces engagements obligatoires **pour la très grande plateforme en ligne concernée et déclarer** qu'il n'y a plus lieu d'agir.

##### *Amendment*

1. Si, au cours d'une procédure au titre de la présente section, la très grande plateforme en ligne concernée propose des engagements afin de garantir le respect des dispositions pertinentes du présent règlement, la Commission peut **soumettre au Comité une décision rendant** ces engagements obligatoires **et déclarant** qu'il n'y a plus lieu d'agir.

Or. fr

**Amendment 2173**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 56 – paragraph 1**

*Text proposed by the Commission*

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the **Commission** may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

*Amendment*

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the **Agency** may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

Or. en

**Amendment 2174**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. La Commission peut rouvrir la procédure, sur **demande** ou de sa propre initiative:

*Amendment*

2. La Commission peut rouvrir la procédure, sur **instruction du Comité** ou de sa propre initiative:

Or. fr

**Amendment 2175**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The **Commission** may, upon request or on its own initiative, reopen the proceedings:

*Amendment*

2. The **Agency** may, upon request or on its own initiative, reopen the proceedings:

Or. en

**Amendment 2176**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 56 – paragraph 3**

*Text proposed by the Commission*

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

*Amendment*

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision, **in agreement with the Board**, when concluding the proceedings.

Or. en

**Amendment 2177**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 56 – paragraph 3**

*Text proposed by the Commission*

3. Si la Commission estime que les engagements proposés par la très grande plateforme en ligne concernée ne permettent pas de garantir le respect effectif des dispositions pertinentes du présent règlement, elle **rejette** ces engagements dans une décision motivée

*Amendment*

3. Si la Commission estime que les engagements proposés par la très grande plateforme en ligne concernée ne permettent pas de garantir le respect effectif des dispositions pertinentes du présent règlement, elle **soumet au Comité une décision de rejet de** ces engagements



*lors de la clôture de la procédure.*

dans une décision motivée.

Or. fr

**Amendment 2178**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 56 – paragraph 3**

*Text proposed by the Commission*

3. Where the *Commission* considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

*Amendment*

3. Where the *Agency* considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Or. en

**Amendment 2179**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 57 – paragraph 1**

*Text proposed by the Commission*

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

*Amendment*

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor *and audit* the effective implementation and compliance with this Regulation *and the Charter of Fundamental Rights* by the very large online platform concerned, *including the operation of any algorithm in the provision of its services*. The Commission may also order that platform to provide access to, and explanations relating to, its

databases and algorithms.

Or. en

### **Amendment 2180**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation Article 57 – paragraph 1**

##### *Text proposed by the Commission*

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

##### *Amendment*

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission **and the Board** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission **and the Board** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. en

### **Amendment 2181**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation Article 57 – paragraph 1**

##### *Text proposed by the Commission*

1. Pour l'accomplissement des tâches qui lui sont assignées par la présente section, la Commission peut prendre les mesures nécessaires pour contrôler la mise en œuvre et le respect effectifs du présent règlement par la très grande plateforme en ligne concernée. La Commission **peut** également ordonner à ladite plateforme de donner accès à ses bases de données et algorithmes, ainsi que de fournir des explications à cet égard.

##### *Amendment*

1. Pour l'accomplissement des tâches qui lui sont assignées par la présente section, la Commission peut prendre les mesures nécessaires pour contrôler la mise en œuvre et le respect effectifs du présent règlement par la très grande plateforme en ligne concernée. La Commission **et le Comité peuvent** également ordonner à ladite plateforme de donner accès à ses bases de données et algorithmes, ainsi que de fournir des explications à cet égard.

**Amendment 2182**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation****Article 57 – paragraph 1***Text proposed by the Commission*

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide **access to, and** explanations relating to, its databases and algorithms.

*Amendment*

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide explanations relating **to, and where necessary access** to, its databases and algorithms.

**Amendment 2183**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation****Article 57 – paragraph 1***Text proposed by the Commission*

1. For the purposes of carrying out the tasks assigned to it under this Section, the **Commission** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The **Commission** may also order that platform to provide access to, and explanations relating to, its

*Amendment*

1. For the purposes of carrying out the tasks assigned to it under this Section, the **Agency** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The **Agency** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

databases and algorithms.

Or. en

**Amendment 2184**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 57 – paragraph 2**

*Text proposed by the Commission*

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the Commission.

*Amendment*

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission **and the Board** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the Commission **and the Board** .

Or. en

**Amendment 2185**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 57 – paragraph 2**

*Text proposed by the Commission*

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the **Commission** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the **Commission**.

*Amendment*

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the **Agency** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the **Agency** .

Or. en

**Amendment 2186**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 57 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 57a*

*Right to lodge a complaint with the  
Agency*

*Article 43 shall also be applicable to  
complaints with the Agency in regard to  
its oversight and enforcement over the  
provisions of Section 4 of Chapter III.*

Or. en

*Justification*

*To align with Article 43 and not leave gaps for recipients and their representatives due to the new proposed enforcement structure.*

**Amendment 2187**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,  
Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 58 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

1. The Commission shall adopt a non-compliance decision, ***after consulting the Board***, where it finds that the very large online platform concerned does not comply with one or more of the following:

Or. en

**Amendment 2188**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

*Amendment*

1. The Commission **and the Board** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Or. en

**Amendment 2189**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The **Commission** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

*Amendment*

1. The **Agency** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Or. en

**Amendment 2190**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **La Commission** adopte une décision constatant un manquement **lorsqu'elle** constate que la très grande

*Amendment*

1. **Le Comité** adopte une décision constatant un manquement **lorsqu'il** constate que la très grande plateforme en

plateforme en ligne concernée ne respecte pas un ou plusieurs des éléments suivants:

ligne concernée ne respecte pas un ou plusieurs des éléments suivants:

Or. fr

**Amendment 2191**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 58 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) commitments made binding pursuant to Article 56,*

*deleted*

Or. en

**Amendment 2192**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 58 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

2. Before adopting the decision pursuant to paragraph 1, the Commission **or the Board** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission **or the Board** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Or. en

**Amendment 2193**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 58 – paragraph 2**

*Text proposed by the Commission*

2. Before adopting the decision pursuant to paragraph 1, the **Commission** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Commission** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

*Amendment*

2. Before adopting the decision pursuant to paragraph 1, the **Agency** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Agency** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Or. en

**Amendment 2194  
Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation  
Article 58 – paragraph 2**

*Text proposed by the Commission*

2. Avant d'adopter la décision visée au paragraphe 1, **la Commission** fait part de ses constatations préliminaires à la très grande plateforme en ligne concernée. Dans ses constatations préliminaires, **la Commission** explique les mesures **qu'elle** envisage de prendre, ou que la très grande plateforme en ligne concernée devrait prendre, selon **elle**, afin de donner suite de manière effective aux constatations préliminaires.

*Amendment*

2. Avant d'adopter la décision visée au paragraphe 1, **le Comité** fait part de ses constatations préliminaires à la très grande plateforme en ligne concernée. Dans ses constatations préliminaires, **le Comité** explique les mesures **qu'il** envisage de prendre, ou que la très grande plateforme en ligne concernée devrait prendre, selon **lui**, afin de donner suite de manière effective aux constatations préliminaires.

Or. fr

**Amendment 2195  
Martin Schirdewan, Anne-Sophie Pelletier**



**Proposal for a regulation**  
**Article 58 – paragraph 3**

*Text proposed by the Commission*

3. In the decision adopted pursuant to paragraph 1 the Commission shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

*Amendment*

3. In the decision adopted pursuant to paragraph 1 the Commission **or the Board** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Or. en

**Amendment 2196**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 58 – paragraph 3**

*Text proposed by the Commission*

3. In the decision adopted pursuant to paragraph 1 the **Commission** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

*Amendment*

3. In the decision adopted pursuant to paragraph 1 the **Agency** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Or. en

**Amendment 2197**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 58 – paragraph 3**

*Text proposed by the Commission*

3. Dans la décision adoptée en application du paragraphe 1, **la Commission** ordonne à la très grande plateforme en ligne concernée de prendre les mesures nécessaires pour assurer le respect de ladite décision dans un délai approprié et de fournir des informations relatives aux mesures que la plateforme entend adopter pour se mettre en conformité avec la décision.

*Amendment*

3. Dans la décision adoptée en application du paragraphe 1, **le Comité** ordonne à la très grande plateforme en ligne concernée de prendre les mesures nécessaires pour assurer le respect de ladite décision dans un délai approprié et de fournir des informations relatives aux mesures que la plateforme entend adopter pour se mettre en conformité avec la décision.

Or. fr

**Amendment 2198**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 58 – paragraph 4**

*Text proposed by the Commission*

4. The very large online platform concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

*Amendment*

4. The very large online platform concerned shall provide the Commission **or the Board** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Or. en

**Amendment 2199**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 58 – paragraph 4**

*Text proposed by the Commission*

4. La très grande plateforme en ligne concernée fournit à la Commission la

*Amendment*

4. La très grande plateforme en ligne concernée fournit **au Comité et** à la

description des mesures qu'elle a prises pour garantir le respect de la décision adoptée en application du paragraphe 1 dès leur mise en œuvre.

Commission la description des mesures qu'elle a prises pour garantir le respect de la décision adoptée en application du paragraphe 1 dès leur mise en œuvre.

Or. fr

**Amendment 2200**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 58 – paragraph 4**

*Text proposed by the Commission*

4. The very large online platform concerned shall provide the **Commission** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

*Amendment*

4. The very large online platform concerned shall provide the **Agency** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Or. en

**Amendment 2201**

**Kosma Zlotowski**

**Proposal for a regulation**

**Article 58 – paragraph 5**

*Text proposed by the Commission*

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

*Amendment*

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision **and order the power to remove content or to restrict access to an online interface or to order the explicit display of a warning to recipients when they access an online interface;**

Or. en

## Amendment 2202

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 58 – paragraph 5

*Text proposed by the Commission*

5. Lorsque la Commission *constate* que les conditions énoncées au paragraphe 1 ne sont pas réunies, *elle* clôt l'enquête par voie de décision.

*Amendment*

5. Lorsque *le Comité, de sa propre initiative ou sur proposition de* la Commission, *estime* que les conditions énoncées au paragraphe 1 ne sont pas réunies, *il* clôt l'enquête par voie de décision.

Or. fr

## Amendment 2203

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

### Proposal for a regulation

#### Article 58 – paragraph 5

*Text proposed by the Commission*

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

*Amendment*

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision *approved by the Board*.

Or. en

## Amendment 2204

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Article 58 – paragraph 5

*Text proposed by the Commission*

5. Where the Commission finds that

*Amendment*

5. Where the Commission *or the*

the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

**Board** finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Or. en

**Amendment 2205**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 58 – paragraph 5**

*Text proposed by the Commission*

5. Where the **Commission** finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

*Amendment*

5. Where the **Agency** finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Or. en

**Amendment 2206**

**Kosma Złotowski**

**Proposal for a regulation**

**Article 58 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The decision ordered pursuant to paragraph 5 should be executable with immediate effect.**

Or. en

**Amendment 2207**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 59 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. In the decision pursuant to Article 58, the Commission may impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

*Amendment*

1. In the decision pursuant to Article 58, the Commission **or the Board** may impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. en

**Amendment 2208**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 59 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. In the decision pursuant to Article 58, the **Commission** may impose on the very large online platform concerned fines not exceeding **6%** of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

*Amendment*

1. In the decision pursuant to Article 58, the **Agency** may impose on the very large online platform concerned fines not exceeding **10%** of its total **worldwide** turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. en

*Justification*

*Clarification of reference. Fines have turned out to be too small. VLOPs consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.*

**Amendment 2209**

**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**

**Article 59 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. In the decision pursuant to Article 58, the Commission **may** impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

*Amendment*

1. In the decision pursuant to Article 58, the Commission **shall** impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. en

**Amendment 2210**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 59 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Dans la décision prise en application de l'article 58, **la Commission** peut infliger à la très grande plateforme en ligne concernée des amendes jusqu'à concurrence de 6 % du chiffre d'affaires **total** réalisé au cours de l'exercice précédent lorsqu'elle constate que cette plateforme, de propos délibéré ou par négligence:

*Amendment*

1. Dans la décision prise en application de l'article 58, **le Comité** peut infliger à la très grande plateforme en ligne concernée des amendes jusqu'à concurrence de 6 % du chiffre d'affaires **mondial** réalisé au cours de l'exercice précédent lorsqu'elle constate que cette plateforme, de propos délibéré ou par négligence:

Or. fr

**Amendment 2211**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 59 – paragraph 1 – point c**

*Text proposed by the Commission*

**(c) fails to comply with a voluntary measure made binding by a decision pursuant to Articles 56.**

*Amendment*

**deleted**

**Amendment 2212**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 59 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Commission may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or ***negligently***:

*Amendment*

2. The Commission may by decision ***and in compliance with the proportionality principle*** impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or ***as a result of repeated negligence***:

*Justification*

*To ensure proportionality of fines.*

**Amendment 2213**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 59 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Commission may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:

*Amendment*

2. The Commission ***or the Board*** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:



## Amendment 2214

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 59 – paragraph 2 – introductory part

##### *Text proposed by the Commission*

2. The **Commission** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding **1%** of the total turnover in the preceding financial year, where they intentionally or negligently:

##### *Amendment*

2. The **Agency** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding **2%** of the total **worldwide** turnover in the preceding financial year, where they intentionally or negligently:

Or. en

##### *Justification*

*Clarification of reference. Fines have turned out to be too small. VLOPs consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.*

## Amendment 2215

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 59 – paragraph 2 – introductory part

##### *Text proposed by the Commission*

2. **La Commission** peut, par voie de décision, infliger à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1, des amendes jusqu'à concurrence de 1 % du chiffre d'affaires **total** réalisé au cours de l'exercice précédent lorsque, de propos délibéré ou par négligence, elle:

##### *Amendment*

2. **Le Comité** peut, par voie de décision, infliger à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1, des amendes jusqu'à concurrence de 1 % du chiffre d'affaires **mondial** réalisé au cours de l'exercice précédent lorsque, de propos délibéré ou par négligence, elle:

Or. fr

**Amendment 2216**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 59 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) fail to rectify within the time period set by the Commission, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

*Amendment*

(b) fail to rectify within the time period set by the Commission **or the Board**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Or. en

**Amendment 2217**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 59 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) fail to rectify within the time period set by the **Commission**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

*Amendment*

(b) fail to rectify within the time period set by the **Agency**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Or. en

**Amendment 2218**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,**

**Markus Buchheit**

on behalf of the ID Group

**Proposal for a regulation**

**Article 59 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) refuse to submit to an on-site inspection pursuant to Article 54.**

**deleted**

Or. en

**Amendment 2219**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 59 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1) **and to the Board.**

Or. en

**Amendment 2220**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 59 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

3. Before adopting the decision pursuant to paragraph 2, the Commission **or the Board** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Or. en

#### **Amendment 2221**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Article 59 – paragraph 3**

*Text proposed by the Commission*

3. Before adopting the decision pursuant to paragraph 2, the **Commission** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

*Amendment*

3. Before adopting the decision pursuant to paragraph 2, the **Agency** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Or. en

#### **Amendment 2222**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Article 59 – paragraph 3**

*Text proposed by the Commission*

3. Avant d'adopter la décision visée au paragraphe 2, **la Commission** fait part de ses constatations préliminaires à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1.

*Amendment*

3. Avant d'adopter la décision visée au paragraphe 2, **le Comité** fait part de ses constatations préliminaires à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1.

Or. fr

#### **Amendment 2223**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

##### **Article 59 – paragraph 4**

*Text proposed by the Commission*

4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

*Amendment*

4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement, ***any fines issued under Article 42 and need to avoid double sanctioning the same infringement*** and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Or. en

*Justification*

*Commission fines should take into account any Member State fines already issued*

**Amendment 2224**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 59 – paragraph 4**

*Text proposed by the Commission*

4. Pour déterminer le montant de l'amende, ***la Commission*** prend en considération la nature, la gravité, la durée et la répétition de l'infraction ainsi que, pour les amendes infligées au titre du paragraphe 2, le retard causé à la procédure.

*Amendment*

4. Pour déterminer le montant de l'amende, ***le Comité*** prend en considération la nature, la gravité, la durée et la répétition de l'infraction ainsi que, pour les amendes infligées au titre du paragraphe 2, le retard causé à la procédure.

Or. fr

**Amendment 2225**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 59 – paragraph 4**

*Text proposed by the Commission*

4. In fixing the amount of the fine, the **Commission** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

*Amendment*

4. In fixing the amount of the fine, the **Agency** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Or. en

**Amendment 2226**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 60 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The **Commission** may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding **5** % of the average daily turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

*Amendment*

1. The **Agency** may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding **10** % of the average daily **worldwide** turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Or. en

*Justification*

*Clarification of reference. Fines have turned out to be too small. VLOPs consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.*

**Amendment 2227**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 60 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **La Commission** peut, par voie de décision, infliger à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1, s'il y a lieu, des astreintes jusqu'à concurrence de 5 % du chiffre d'affaires journalier moyen réalisé au cours de l'exercice précédent par jour de retard, calculées à compter de la date qu'elle fixe dans sa décision, pour la contraindre:

*Amendment*

1. **Le Comité** peut, par voie de décision, infliger à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1, s'il y a lieu, des astreintes jusqu'à concurrence de 5 % du chiffre d'affaires journalier moyen **mondial** réalisé au cours de l'exercice précédent par jour de retard, calculées à compter de la date qu'elle fixe dans sa décision, pour la contraindre:

Or. fr

**Amendment 2228**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 60 – paragraph 1 – point b**

*Text proposed by the Commission*

**(b) submit to an on-site inspection which it has ordered by decision pursuant to Article 54;**

*Amendment*

**deleted**

Or. en

**Amendment 2229**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 60 – paragraph 2**

*Text proposed by the Commission*

**2. Lorsque la très grande plateforme en ligne concernée ou toute autre personne visée à l'article 52, paragraphe 1 a satisfait à l'obligation pour**

*Amendment*

**supprimé**

*l'exécution de laquelle l'astreinte a été infligée, la Commission peut fixer le montant définitif de l'astreinte à un chiffre inférieur à celui qui résulte de la décision initiale.*

Or. fr

**Amendment 2230**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 60 – paragraph 2**

*Text proposed by the Commission*

2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the **Commission** may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.

*Amendment*

2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the **Agency** may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.

Or. en

**Amendment 2231**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 61 – paragraph 1**

*Text proposed by the Commission*

1. The powers conferred on the **Commission** by Articles 59 and 60 shall be subject to a limitation period of five years.

*Amendment*

1. The powers conferred on the **Agency** by Articles 59 and 60 shall be subject to a limitation period of five years.

Or. en



## **Amendment 2232**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 61 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Any action taken by the **Commission** or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

*Amendment*

3. Any action taken by the **Agency** or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

Or. en

## **Amendment 2233**

**Jean-Lin Lacapelle, Virginie Joron**

### **Proposal for a regulation**

#### **Article 61 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) les demandes de renseignements de la Commission ou d'un coordinateur pour les services numériques;

*Amendment*

(a) les demandes de renseignements de la Commission, **du Comité** ou d'un coordinateur pour les services numériques;

Or. fr

## **Amendment 2234**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 61 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) requests for information by the **Commission** or by a Digital Services Coordinator;

*Amendment*

(a) requests for information by the **Agency** or by a Digital Services Coordinator;

Or. en

**Amendment 2235**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 61 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) *on-site inspection;*

*Amendment*

*deleted*

Or. en

**Amendment 2236**

**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 61 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) the opening of a proceeding by the **Commission** pursuant to Article 51(2).

*Amendment*

(c) the opening of a proceeding by the **Agency** pursuant to Article 51(2).

Or. en

**Amendment 2237**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 61 – paragraph 4**

*Text proposed by the Commission*

4. La prescription court à nouveau à partir de chaque interruption. ***Toutefois, la prescription en matière d'imposition d'amendes ou d'astreintes est acquise au plus tard le jour où un délai égal au double du délai de prescription arrive à expiration sans que la Commission ait prononcé une amende ou astreinte. Ce délai est prorogé de la période pendant laquelle le délai de prescription est suspendu conformément au paragraphe 5.***

*Amendment*

4. La prescription court à nouveau à partir de chaque interruption.

Or. fr

**Amendment 2238**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 61 – paragraph 4**

*Text proposed by the Commission*

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the ***Commission*** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.

*Amendment*

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the ***Agency*** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.

Or. en

**Amendment 2239**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 61 – paragraph 5**

*Text proposed by the Commission*

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Commission** is the subject of proceedings pending before the Court of Justice of the European Union.

*Amendment*

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Agency** is the subject of proceedings pending before the Court of Justice of the European Union.

Or. en

**Amendment 2240**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 61 – paragraph 5**

*Text proposed by the Commission*

5. La prescription en matière d'imposition d'amendes ou d'astreintes est suspendue aussi longtemps que la décision **de la Commission** fait l'objet d'une procédure pendante devant la Cour de justice de l'Union européenne.

*Amendment*

5. La prescription en matière d'imposition d'amendes ou d'astreintes est suspendue aussi longtemps que la décision **du Comité** fait l'objet d'une procédure pendante devant la Cour de justice de l'Union européenne.

Or. fr

**Amendment 2241**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 62**

*Text proposed by the Commission*

**Article 62**

**Prescription en matière d'exécution des sanctions**

**1. Le pouvoir de la Commission**

*Amendment*

**supprimé**

*d'exécuter les décisions prises en application des articles 59 et 60 est soumis à un délai de prescription de cinq ans.*

*2. La prescription court à compter du jour où la décision est devenue définitive.*

*3. La prescription en matière d'exécution des sanctions est interrompue:*

*(a) par la notification d'une décision modifiant le montant initial de l'amende ou de l'astreinte ou rejetant une demande tendant à obtenir une telle modification;*

*(b) par tout acte de la Commission ou d'un État membre, agissant à la demande de la Commission, visant au recouvrement forcé de l'amende ou de l'astreinte.*

*4. La prescription court à nouveau à partir de chaque interruption.*

*5. La prescription en matière d'exécution des sanctions est suspendue:*

*(a) aussi longtemps qu'un délai de paiement est accordé;*

*(b) aussi longtemps que l'exécution forcée du paiement est suspendue en vertu d'une décision de la Cour de justice de l'Union européenne.*

Or. fr

**Amendment 2242**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 62 – title**

*Text proposed by the Commission*

*Amendment*

*Prescription en matière d'exécution des sanctions*

*Exécution des sanctions*

Or. fr

**Amendment 2243**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 62 – paragraph 1**

*Text proposed by the Commission*

1. *Le pouvoir de la Commission d'exécuter les décisions prises en application des articles 59 et 60 est soumis à un délai de prescription de cinq ans.*

*Amendment*

1. *Les sanctions décidées sont exécutables immédiatement et sont exécutées sans délai par la Commission.*

Or. fr

**Amendment 2244**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 62 – paragraph 1**

*Text proposed by the Commission*

1. The power of the **Commission** to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.

*Amendment*

1. The power of the **Agency** to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.

Or. en

**Amendment 2245**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 62 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) by any action of the **Commission**,

*Amendment*

(b) by any action of the **Agency**, or of a

or of a Member State acting at the request of the **Commission**, designed to enforce payment of the fine or periodic penalty payment.

Member State acting at the request of the **Agency**, designed to enforce payment of the fine or periodic penalty payment.

Or. en

#### **Amendment 2246**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 63 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Avant d'adopter une décision au titre de l'article 58, paragraphe 1, des articles 59 ou 60, **la Commission** donne à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1 l'occasion de faire connaître son point de vue sur:

##### *Amendment*

1. Avant d'adopter une décision au titre de l'article 58, paragraphe 1, des articles 59 ou 60, **le Comité** donne à la très grande plateforme en ligne concernée ou à toute autre personne visée à l'article 52, paragraphe 1 l'occasion de faire connaître son point de vue sur:

Or. fr

#### **Amendment 2247**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 63 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Commission** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

##### *Amendment*

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Agency** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Or. en

**Amendment 2248**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 63 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) preliminary findings of the **Commission**, including any matter to which the **Commission** has taken objections; and

*Amendment*

(a) preliminary findings of the **Agency**, including any matter to which the **Agency** has taken objections; and

Or. en

**Amendment 2249**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 63 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) les constatations préliminaires **de la Commission**, y compris sur tout grief retenu par **la Commission**, et;

*Amendment*

(a) les constatations préliminaires **du Comité**, y compris sur tout grief retenu par **le Comité**, et;

Or. fr

**Amendment 2250**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 63 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) measures that the **Commission** may intend to take in view of the preliminary findings referred to point (a).

*Amendment*

(b) measures that the **Agency** may intend to take in view of the preliminary findings referred to point (a).



**Amendment 2251**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 63 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) les mesures que **la Commission** peut avoir l'intention de prendre au vu des constatations préliminaires visées au point a).

*Amendment*

(b) les mesures que **le Comité** peut avoir l'intention de prendre au vu des constatations préliminaires visées au point a).

**Amendment 2252**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 63 – paragraph 2**

*Text proposed by the Commission*

2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the **Commission's** preliminary findings within a reasonable time period set by the **Commission** in its preliminary findings, which may not be less than 14 days.

*Amendment*

2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the **Agency's** preliminary findings within a reasonable time period set by the **Agency** in its preliminary findings, which may not be less than 14 days.

**Amendment 2253**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 63 – paragraph 2**

*Text proposed by the Commission*

2. La très grande plateforme en ligne concernée ou toute autre personne visée à l'article 52, paragraphe 1 peut présenter ses observations sur les constatations préliminaires **de la Commission** dans un délai fixé par **la Commission** dans ses constatations préliminaires et qui ne peut être inférieur à 14 jours.

*Amendment*

2. La très grande plateforme en ligne concernée ou toute autre personne visée à l'article 52, paragraphe 1 peut présenter ses observations sur les constatations préliminaires **du Comité** dans un délai fixé par **le Comité** dans ses constatations préliminaires et qui ne peut être inférieur à 14 jours.

Or. fr

**Amendment 2254**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 63 – paragraph 3**

*Text proposed by the Commission*

3. The **Commission** shall base its decisions only on objections on which the parties concerned have been able to comment.

*Amendment*

3. The **Agency** shall base its decisions only on objections on which the parties concerned have been able to comment.

Or. en

**Amendment 2255**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 63 – paragraph 3**

*Text proposed by the Commission*

3. **La Commission** ne fonde ses décisions que sur les griefs au sujet desquels les parties concernées ont pu faire valoir leurs observations.

*Amendment*

3. **Le Comité** ne fonde ses décisions que sur les griefs au sujet desquels les parties concernées ont pu faire valoir leurs observations.

Or. fr

## Amendment 2256

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 63 – paragraph 4

##### *Text proposed by the Commission*

4. Les droits de la défense des parties concernées sont pleinement assurés dans le déroulement de la procédure. Elles ont le droit d'avoir accès au dossier de la Commission conformément aux modalités d'une divulgation négociée, sous réserve de l'intérêt légitime de la très grande plateforme en ligne concernée ou de toute autre personne visée à l'article 52, paragraphe 1 à ce que leurs secrets d'affaires ne soient pas divulgués. Le droit d'accès au dossier ne s'étend pas aux informations confidentielles et aux documents internes de la Commission ou des autorités des États membres. En particulier, le droit d'accès ne s'étend pas à la correspondance entre la Commission et ces autorités. Aucune disposition du présent paragraphe n'empêche la Commission de divulguer et d'utiliser des informations nécessaires pour apporter la preuve d'une infraction.

##### *Amendment*

4. Les droits de la défense des parties concernées sont pleinement assurés dans le déroulement de la procédure. Elles ont le droit d'avoir accès au dossier **du Comité et** de la Commission conformément aux modalités d'une divulgation négociée, sous réserve de l'intérêt légitime de la très grande plateforme en ligne concernée ou de toute autre personne visée à l'article 52, paragraphe 1 à ce que leurs secrets d'affaires ne soient pas divulgués. Le droit d'accès au dossier ne s'étend pas aux informations confidentielles et aux documents internes de la Commission, **du Comité** ou des autorités des États membres. En particulier, le droit d'accès ne s'étend pas à la correspondance entre la Commission, **le Comité** et ces autorités. Aucune disposition du présent paragraphe n'empêche la Commission **ou le Comité** de divulguer et d'utiliser des informations nécessaires pour apporter la preuve d'une infraction.

Or. fr

## Amendment 2257

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 63 – paragraph 4

##### *Text proposed by the Commission*

4. The rights of defence of the parties

##### *Amendment*

4. The rights of defence of the parties

concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Commission's** file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the **Commission** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the **Commission** and those authorities. Nothing in this paragraph shall prevent the **Commission** from disclosing and using information necessary to prove an infringement.

concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Agency's** file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the **Agency** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the **Agency** and those authorities. Nothing in this paragraph shall prevent the **Agency** from disclosing and using information necessary to prove an infringement.

Or. en

#### **Amendment 2258**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

#### **Article 63 – paragraph 6**

##### *Text proposed by the Commission*

6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the **Commission, the Board**, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

##### *Amendment*

6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the **Agency**, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

Or. en

### **Amendment 2259**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **Proposal for a regulation**

##### **Article 64 – paragraph 1**

###### *Text proposed by the Commission*

1. The **Commission** shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

###### *Amendment*

1. The **Agency** shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Or. en

### **Amendment 2260**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

##### **Article 64 – paragraph 1**

###### *Text proposed by the Commission*

1. **La Commission** publie les décisions *qu'elle* prend au titre de l'article 55, paragraphe 1, de l'article 56, paragraphe 1 et des articles 58, 59 et 60. Cette publication mentionne le nom des parties intéressées et l'essentiel de la décision, y compris les sanctions imposées.

###### *Amendment*

1. **Le Comité** publie les décisions *qu'il* prend au titre de l'article 55, paragraphe 1, de l'article 56, paragraphe 1 et des articles 58, 59 et 60. Cette publication mentionne le nom des parties intéressées et l'essentiel de la décision, y compris les sanctions imposées.

Or. fr

### **Amendment 2261**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the **Commission may request the Digital Services Coordinator of establishment of the very large online platform concerned to** act pursuant to Article 41(3).

*Amendment*

Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the **Agency may** act pursuant to Article 41(3).

Or. en

**Amendment 2262**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Lorsque tous les pouvoirs au titre du présent article pour parvenir à la cessation d'une infraction au présent règlement ont été épuisés, que l'infraction persiste et entraîne un préjudice grave ne pouvant pas être évité via l'exercice d'autres pouvoirs prévus par le droit de l'Union ou le droit national, la Commission **peut** demander au coordinateur de l'État membre d'établissement pour les services numériques de la très grande plateforme en ligne concernée d'agir conformément à l'article 41, paragraphe 3.

*Amendment*

Lorsque tous les pouvoirs au titre du présent article pour parvenir à la cessation d'une infraction au présent règlement ont été épuisés, que l'infraction persiste et entraîne un préjudice grave ne pouvant pas être évité via l'exercice d'autres pouvoirs prévus par le droit de l'Union ou le droit national, la Commission **ou le Comité peuvent** demander au coordinateur de l'État membre d'établissement pour les services numériques de la très grande plateforme en ligne concernée d'agir conformément à l'article 41, paragraphe 3.

Or. fr

**Amendment 2263**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Avant d'adresser une telle demande au coordinateur pour les services numériques, la Commission **invite** les parties intéressées à soumettre des observations écrites dans un délai qui ne peut être inférieur à deux semaines, en décrivant les mesures **qu'elle entend** demander et en identifiant le(s) destinataire(s) prévu(s).

*Amendment*

Avant d'adresser une telle demande au coordinateur pour les services numériques, la Commission **ou le Comité invitent** les parties intéressées à soumettre des observations écrites dans un délai qui ne peut être inférieur à deux semaines, en décrivant les mesures **qu'ils entendent** demander et en identifiant le(s) destinataire(s) prévu(s).

Or. fr

**Amendment 2264**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Prior to **making such** request **to the Digital Services Coordinator, the Commission** shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

*Amendment*

Prior to **submitting the** request **according to Article 41(3) (b), the Agency** shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

Or. en

**Amendment 2265**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than **two weeks**, **describing** the measures it intends to request and identifying the intended addressee or addressees thereof.

*Amendment*

Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than **14 days**, the measures it intends to request and identifying the intended addressee or addressees thereof.

Or. en

**Amendment 2266**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 65 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Lorsque l'application cohérente du présent règlement le justifie, la Commission, agissant d'office, **peut** soumettre des observations écrites à l'autorité judiciaire compétente visée à l'article 41, paragraphe 3. Avec l'autorisation de l'autorité judiciaire en question, **elle peut** aussi présenter des observations orales.

*Amendment*

Lorsque l'application cohérente du présent règlement le justifie, la Commission **ou le Comité**, agissant d'office, **peuvent** soumettre des observations écrites à l'autorité judiciaire compétente visée à l'article 41, paragraphe 3. Avec l'autorisation de l'autorité judiciaire en question, **ils peuvent** aussi présenter des observations orales.

Or. fr

**Amendment 2267**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 65 – paragraph 2 – subparagraph 1**



*Text proposed by the Commission*

Where the coherent application of this Regulation so requires, the **Commission, acting on its own initiative**, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.

*Amendment*

Where the coherent application of this Regulation so requires, the **Agency** may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.

Or. en

**Amendment 2268**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 65 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Aux seules fins de lui permettre de préparer ses observations, la Commission **peut** solliciter l'autorité judiciaire afin qu'elle **lui** transmette ou **lui** fasse transmettre tout document nécessaire à l'appréciation de l'affaire.

*Amendment*

Aux seules fins de lui permettre de préparer ses observations, la Commission **ou le Comité peuvent** solliciter l'autorité judiciaire afin qu'elle **leur** transmette ou **leur** fasse transmettre tout document nécessaire à l'appréciation de l'affaire.

Or. fr

**Amendment 2269**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 66 – paragraph 1**

*Text proposed by the Commission*

**1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements**

*Amendment*

**deleted**

*for:*

- (a) the proceedings pursuant to Articles 54 and 57;*
- (b) the hearings provided for in Article 63;*
- (c) the negotiated disclosure of information provided for in Article 63.*

Or. en

*Justification*

*The Agency cannot and does not need to issue implementing acts.*

**Amendment 2270**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 66 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

- (a) the proceedings pursuant to Articles 54 and 57;* *deleted*

Or. en

**Amendment 2271**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 66 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

- (b) the hearings provided for in Article 63;* *deleted*

Or. en

**Amendment 2272**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 66 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) *the negotiated disclosure of information provided for in Article 63.***

*deleted*

Or. en

**Amendment 2273**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 66 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. *Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.***

*deleted*

Or. en

**Amendment 2274**

**Marc Angel, Maria Grapini, Andreas Schieder, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 67 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board.

*Amendment*

1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board ***based on the Internal Market Information system.***

Or. en

*Justification*

*The IMI systems works well, is already in place, Member States know how it works, it would be less costly and could be immediately operational.*

**Amendment 2275**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 67 – paragraph 1**

*Text proposed by the Commission*

1. The ***Commission*** shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, ***the Commission*** and the ***Board***.

*Amendment*

1. The ***Agency*** shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators and the ***Agency***.

Or. en

**Amendment 2276**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 67 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Digital Services Coordinators, **the Commission** and the **Board** shall use the information sharing system for all communications pursuant to this Regulation.

2. The Digital Services Coordinators and the **Agency** shall use the information sharing system for all communications pursuant to this Regulation.

Or. en

**Amendment 2277**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 67 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. ***The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.***

***deleted***

Or. en

**Amendment 2278**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 68 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Without prejudice to Directive 2020/XX/EU of the European Parliament

Without prejudice to Directive 2020/XX/EU of the European Parliament

and of the Council<sup>52</sup>, recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles **17, 18 and 19** on their behalf, provided the body, organisation or association meets all of the following conditions:

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<sup>52</sup> [Reference]

and of the Council<sup>52</sup>, recipients of intermediary services shall have the right to mandate a **public body or their representatives, or a** body, organisation or association to exercise the rights referred to in Articles **8, 12, 13, 14, 15, 17, 18, 19 and 43 as well as all secondary claims** on their behalf, provided the body, organisation or association meets all of the following conditions:

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<sup>52</sup> [Reference]

Or. en

### *Justification*

*Collective interests also for the rights referred to in Articles 12-15. Moreover, a public body should be able to take action law before the courts or before the competent administrative bodies.*

## **Amendment 2279** **Geert Bourgeois**

### **Proposal for a regulation** **Article 68 – paragraph 1 – introductory part**

#### *Text proposed by the Commission*

Onverminderd Richtlijn 2020/XX/EU van het Europees Parlement en de Raad<sup>52</sup> hebben afnemers van tussenhandelsdiensten het recht een orgaan, organisatie of vereniging te machtigen namens hen de in de artikelen **17, 18 en 19** bedoelde rechten uit te oefenen, op voorwaarde dat het orgaan, de organisatie of vereniging aan alle onderstaande voorwaarden voldoet:

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<sup>52</sup> [Referentie]

#### *Amendment*

Onverminderd Richtlijn 2020/XX/EU van het Europees Parlement en de Raad<sup>52</sup> hebben afnemers van tussenhandelsdiensten het recht een orgaan, organisatie of vereniging te machtigen namens hen de in de artikelen **17 en 18** bedoelde rechten uit te oefenen, op voorwaarde dat het orgaan, de organisatie of vereniging aan alle onderstaande voorwaarden voldoet:

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<sup>52</sup> [Referentie]

Or. nl

**Amendment 2280**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 68 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Sans préjudice de la directive 2020/XX/UE du Parlement européen et du Conseil<sup>52</sup>, les bénéficiaires de services intermédiaires ont le droit de mandater un organisme, une organisation ou une association pour exercer les droits visés **aux articles 17, 18 et 19** pour leur compte, pour autant que cet organisme, cette organisation ou cette association remplisse toutes les conditions suivantes:

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<sup>52</sup> [Référence]

*Amendment*

Sans préjudice de la directive 2020/XX/UE du Parlement européen et du Conseil<sup>52</sup>, les bénéficiaires de services intermédiaires ont le droit de mandater un organisme, une organisation ou une association pour exercer les droits visés **à l'article 17** pour leur compte, pour autant que cet organisme, cette organisation ou cette association remplisse toutes les conditions suivantes:

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<sup>52</sup> [Référence]

Or. fr

**Amendment 2281**  
**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 69 – paragraph 2**

*Text proposed by the Commission*

2. The delegation of power referred to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

*Amendment*

2. The delegation of power referred to in Articles **13**, 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

Or. en

**Amendment 2282**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 69 – paragraph 2**

*Text proposed by the Commission*

2. The delegation of power referred to in Articles 23, 25, **and 31** shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

*Amendment*

2. The delegation of power referred to in Articles 23, 25, **31 and 34** shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

Or. en

*Justification*

*Technical amendment in light of additional delegated act in Article 34*

**Amendment 2283**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 69 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Articles 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in Articles **13**, 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

**Amendment 2284**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**



**Proposal for a regulation**  
**Article 69 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Articles 23, 25 **and 31** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in Articles 23, 25, **31 and 34** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

*Justification*

*Technical amendment in light of additional delegated act in Article 34*

**Amendment 2285**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 69 – paragraph 4**

*Text proposed by the Commission*

4. Aussitôt qu'elle adopte un acte délégué, la Commission le notifie simultanément au Parlement européen **et** au Conseil.

*Amendment*

4. Aussitôt qu'elle adopte un acte délégué, la Commission le notifie simultanément au Parlement européen, au Conseil, **au Comité et aux coordinateurs pour les services numériques.**

Or. fr

**Amendment 2286**  
**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 69 – paragraph 5**

*Text proposed by the Commission*

5. A delegated act adopted pursuant to Articles 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

*Amendment*

5. A delegated act adopted pursuant to Articles **13**, 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of **four** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Or. en

**Amendment 2287**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 70 – paragraph 1**

*Text proposed by the Commission*

1. ***La Commission est assistée par*** le Comité pour les services numériques. ***Ledit comité est un comité au sens du règlement (UE) n° 182/2011.***

*Amendment*

1. Le Comité pour les services numériques ***est assisté par la Commission dans l'ensemble de ses travaux et prérogatives.***

Or. fr

**Amendment 2288**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 70 – paragraph 2**

*Text proposed by the Commission*

2. ***Lorsqu'il est fait référence au présent article, l'article 4 du règlement***

*Amendment*

***supprimé***

**Amendment 2289**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 72 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 72a**

***Annual Commission reports***

***1. The Commission shall adopt an annual report on the state of the digital economy. This report shall provide an analysis of the market position, influence and business models of the gatekeepers in the common market. This report shall provide an overview over the effects of the DSA and an analysis of the market position, influence and business models of VLOPs in the common market. The report shall include a summary of the activities of the Agency regarding the enforcement of all provisions of this Regulation, in particular of Chapter III of this Regulation, as well as an assessment on whether the provisions of this Regulation, other relevant Union legislation and current enforcement levels are adequate to address risks for democracy and fundamental rights.***

***This annual report shall also include a social impact assessment, which assesses new digital products and services and their potential impact on mental health, user behaviour, disinformation, polarisation and democracy. In the fulfilment of this mandate, the Commission should coordinate its supervisory and monitoring efforts with those foreseen under the Digital Services***

*Act, so as to achieve the best possible synergies.*

*2. The European Parliament through its competent committees may provide an opinion on an annual basis on the report by the Commission.*

*3. The Commission shall reply in writing to the opinion adopted by the European Parliament and to any question addressed to it by the European Parliament or by the Council within five weeks of its receipt.*

*4. At the request of the European Parliament, the Commission shall participate in a hearing before the European Parliament. A hearing shall take place at least bi-annually. The respective Commissioner shall make a statement before the European Parliament and answer any questions from its members, whenever so requested. In addition, a continuous, high-level dialogue between the European Parliament and the Commission shall be ensured through exchanges which take place no less than four times a year.*

Or. en

## Amendment 2290

Adam Bielan, Kosma Złotowski, Beata Mazurek

### Proposal for a regulation

#### Article 73 – paragraph 1

##### *Text proposed by the Commission*

1. By **five** years after the entry into force of this Regulation at the latest, and every **five** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

##### *Amendment*

1. By **three** years after the entry into force of this Regulation at the latest, and every **three** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee. ***On the basis of the findings and taking into utmost account***

*the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation.*

Or. en

**Amendment 2291**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.**

*deleted*

Or. en

**Amendment 2292**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 73 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. By three years from the date of application of this Regulation at the latest,**

*the Commission shall carry out an assessment of any impact of the costs to European service providers of any similar requirements, including those of Article 11, introduced by third-party states and any new barriers to non-EU market access after the adoption of this Regulation. The Commission shall also assess the impact on the ability of European businesses and consumers to access and buy products and services from outside the Union.*

Or. en

*Justification*

*The effect of adopting extra-territorial rules here and the potential reaction by third countries on EU companies must not be underestimated. This must be reviewed in light of any final agreement.*

**Amendment 2293**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 74 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Chapter III, section 4 shall apply from [date - 3 months after its entry into force].**

Or. en

*Justification*

*The amount of time and effort to implement the large number of measures covered by this Regulation makes implementing it within three months not a reasonable request for any organizations other than very large online platforms*

**Amendment 2294**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 74 – paragraph 2**

*Text proposed by the Commission*

2. It shall apply from [date - **three** months after its entry into force].

*Amendment*

2. **This Regulation, with the exception of Chapter III section 4**, shall apply from [date - **twelve** months after its entry into force].

Or. en

*Justification*

*The amount of time and effort to implement the large number of measures covered by this Regulation makes implementing it within three months not a reasonable request for any organizations other than very large online platforms*

**Amendment 2295**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 74 – paragraph 2**

*Text proposed by the Commission*

2. It shall apply from [date - **three** months after its entry into force].

*Amendment*

2. It shall apply from [date - **sixteen** months after its entry into force].

Or. en

**Amendment 2296**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 74 – paragraph 2**

*Text proposed by the Commission*

2. It shall apply from [date - **three** months after its entry into force].

*Amendment*

2. It shall apply from [date - **twelve** months after its entry into force].

*Justification*

*To give all stakeholders and authorities sufficient time to prepare.*

**Amendment 2297**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Chapter V a (new)**

*Text proposed by the Commission*

*Amendment*

***BIJLAGE 1***

***Onder 'ernstige misdrijven' wordt voor de toepassing van deze verordening verstaan de volgende vormen van criminaliteit:***

***terrorisme, mensenhandel, seksuele uitbuiting en seksueel misbruik, illegale drugshandel, illegale wapenhandel, het aanzetten tot geweld, het witwassen van geld, corruptie, de vervalsing van betaalmiddelen, computercriminaliteit en georganiseerde criminaliteit.***