



2018/0112(COD)

27.9.2018

AMENDMENTS

47 - 353

Draft opinion

Anna Záborská

(PE627.047v01-00)

Promoting fairness and transparency for business users of online
intermediation services

Proposal for a regulation

(COM(2018)0238 – C8-0165/2018 – 2018/0112(COD))

Amendment 47
José Blanco López

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Amendment

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

The growing role played by voice assistants installed in the most widely deployed operating systems, both mobile and desktop, or developed by wide-ranging online platforms, which are increasingly having an impact by orienting user searches towards specific goods and services, should therefore also be included as part of such services.

Or. es

Amendment 48
Marisa Matias

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Amendment

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. ***This worthwhile role must be carried out in a transparent and trustworthy manner, subject to clear rules laid down in advance for all actors and provided that a level playing field is established for all those involved in the operations.*** The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Or. xm

Amendment 49

Eva Kaili

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including micro, small and

Amendment

(2) Online intermediation services can be crucial for the commercial success of undertakings who use such services to reach consumers. The growing intermediation of transactions through online intermediation services, fuelled by strong data-driven indirect network effects, lead to an increased dependence of such business users, including ***self-***

medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

employed, micro, small and medium-sized enterprises, on those services in order for them to reach consumers. Given that increasing dependence *which may affect large businesses in addition to self-employed, micro, small and medium-sized enterprises*, the providers of those services often have superior bargaining power, which enables them to effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of their businesses users and, indirectly, also of consumers in the Union.

Or. en

Amendment 50 **Marisa Matias**

Proposal for a regulation **Recital 3**

Text proposed by the Commission

(3) Similarly, online search engines can be important sources of Internet traffic for undertakings which offer goods or services to consumers through websites and can therefore significantly affect the commercial success of such corporate website users offering their goods or services online in the internal market. In this regard, the ranking of websites by providers of online search engines, including of those websites through which corporate website users offer their goods and services to consumers, has an important impact on consumer choice and the commercial success of those corporate website users. Even in the absence of a contractual relationship with corporate website users, providers of online search engines can therefore effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of corporate website users and, indirectly, also of consumers in the Union.

Amendment

(3) Similarly, online search engines can be important sources of Internet traffic for undertakings which offer goods or services to consumers through websites and can therefore significantly affect the commercial success of such corporate website users offering their goods or services online in the internal market. In this regard, the ranking of websites by providers of online search engines, including of those websites through which corporate website users offer their goods and services to consumers, has an important impact on consumer choice and the commercial success of those corporate website users. ***For that reason, transparency, equal treatment and doing away with practices which make it difficult for companies to operate and are detrimental to consumers are important.*** Even in the absence of a contractual relationship with corporate website users, providers of online search engines can

therefore effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of corporate website users and, indirectly, also of consumers in the Union.

Unwelcome practices of this kind which should be eradicated from online commercial activity include so-called 'price parity clauses' or 'most favoured customer clauses', which are clearly damaging to companies (particularly small companies) and consumers. These practices serve to entrench the monopolies and oligopolies enjoyed by some major e-platforms. These clauses force user companies to offer their lowest rate on a given online platform, whether this means a lower rate than those offered on any other platform or their lowest rate as stipulated on their website.

Or. xm

Amendment 51

Răzvan Popa

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Similarly, online search engines can be important sources of Internet traffic for undertakings which offer goods or services to consumers through websites and can therefore significantly affect the commercial success of such corporate website users offering their goods or services online in the internal market. In this regard, the ranking of websites by providers of online search engines, including of those websites through which corporate website users offer their goods and services to consumers, has an important impact on consumer choice and the commercial success of those corporate website users. Even in the absence of a

Amendment

(3) Similarly, online search engines can be important sources of Internet traffic for undertakings which offer goods or services to consumers ***in the EU*** through websites and can therefore significantly affect the commercial success of such corporate website users offering their goods or services online in the ***EU*** internal market. In this regard, the ranking of websites by providers of online search engines, including of those websites through which corporate website users offer their goods and services to consumers ***in the EU***, has an important impact on consumer choice and the commercial success of those corporate website users. Even in the

contractual relationship with corporate website users, providers of online search engines can therefore effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of corporate website users and, indirectly, also of consumers in the Union.

absence of a contractual relationship with corporate website users, providers of online search engines can therefore effectively behave unilaterally in a way that can be unfair and that can be harmful to the legitimate interests of corporate website users and, indirectly, also of consumers in the Union.

Or. ro

Amendment 52 **Marisa Matias**

Proposal for a regulation **Recital 4**

Text proposed by the Commission

(4) The dependence of business users on online intermediation services also leads to a situation in which business users often have limited possibilities to seek redress where unilateral actions of the providers of those services lead to a dispute. In many cases, those providers do not offer accessible and effective internal complaint-handling systems. Existing alternative out-of-court dispute settlement mechanisms can also be ineffective for a variety of reasons, including a lack of specialised mediators and business users' fear of retaliation.

Amendment

(4) The dependence of business users on online intermediation services also leads to a situation in which business users often have limited possibilities to seek redress where unilateral actions of the providers of those services lead to a dispute. ***This applies in particular to micro, small and medium-sized enterprises, which do not have the human, technical or financial resources needed to ensure that contracts are beneficial to and transparent for both parties.*** In many cases, those providers do not offer accessible and effective internal complaint-handling systems. ***It may also be that the systems at EU level are very different.*** Existing alternative out-of-court dispute settlement mechanisms can also be ineffective for a variety of reasons, including a lack of specialised mediators and business users' fear of retaliation.

Or. pt

Amendment 53 **Răzvan Popa**

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The dependence of business users on online intermediation services also leads to a situation in which business users often have limited possibilities to seek redress where unilateral actions of the providers of those services lead to a dispute. In many cases, those providers do not offer accessible and effective internal complaint-handling systems. Existing alternative out-of-court dispute settlement mechanisms can also be ineffective for a variety of reasons, including a lack of specialised mediators and business users' fear of retaliation.

Amendment

(4) The dependence of business users on online intermediation services also leads to a situation in which business users often have limited possibilities to seek redress where unilateral actions of the providers of those services lead to a dispute. In many cases, those providers do not offer accessible and effective internal complaint-handling systems. Existing alternative out-of-court dispute settlement mechanisms can also be ineffective for a variety of reasons, including a lack of specialised mediators and business users' fear of retaliation, ***particularly in the case of cross-border transactions.***

Or. ro

Amendment 54

Marisa Matias

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Online intermediation services and online search engines, as well as the commercial transactions facilitated by those services, have an intrinsic cross-border potential ***and are of particular importance for the proper functioning of the Union's internal market in today's economy.*** The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper

Amendment

(5) Online intermediation services and online search engines, as well as the commercial transactions facilitated by those services, have an intrinsic cross-border potential. The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper functioning of the internal market is negatively affected, ***with the brunt of the problem being borne by micro, small and***

functioning of the internal market is negatively affected, **by diverging laws of certain Member States** which, with a **varying degree of effectiveness, regulate those services, while other Member States are considering adopting such laws.**

medium-sized enterprises. A cross-border regulatory framework should be established which lays down how issues including the following should be handled: tax payments, labour issues and issues concerning the transparent hiring of services, among others, with a view to ensuring the proper functioning of the market and fair and balanced competition. Lastly, a proper tax system is needed for operations of this kind, one which makes for equality in tax treatment for companies and does not incentivise fiscal dumping.

Or. pt

Amendment 55

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Online intermediation services and online search engines, as well as the **commercial** transactions facilitated by those services, have an intrinsic cross-border potential and are of particular importance for the proper functioning of the Union's internal market in today's economy. The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper functioning of the internal market is negatively affected, by diverging laws of certain Member States which, with a varying degree of effectiveness, regulate those services, while other Member States

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are considering adopting such laws.

Or. en

Justification

As a principle all transactions have the said character and importance.

Amendment 56

Eva Kaili

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Online intermediation services and online search engines, as well as the **commercial** transactions facilitated by those services, have an intrinsic cross-border potential and are of particular importance for the proper functioning of the Union's internal market in today's economy. The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper functioning of the internal market is negatively affected, by diverging laws of certain Member States which, with a varying degree of effectiveness, regulate those services, while other Member States are considering adopting such laws.

Amendment

(5) Online intermediation services and online search engines, as well as the transactions facilitated by those services, have an intrinsic cross-border potential and are of particular importance for the proper functioning of the Union's internal market in today's economy. The potentially unfair and harmful trading practices of certain providers of those services in respect of business users and corporate website users hamper the full realisation of that potential and negatively affect the proper functioning of the internal market. In addition, the full realisation of that potential is hampered, and the proper functioning of the internal market is negatively affected, by diverging laws of certain Member States which, with a varying degree of effectiveness, regulate those services, while other Member States are considering adopting such laws.

Or. en

Amendment 57

Eva Kaili

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

Amendment

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy. ***In line with the development of the sector, the European Commission shall examine the reinforcement of the transparency and fairness provisions set in this Regulation either by sector specific legislation or review of this Regulation.***

Or. en

Amendment 58

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 6

Text proposed by the Commission

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transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate ***incentives to promote fair and proportionate business behaviour and transparency, especially*** as regards the ranking of corporate website users in the search results generated by online search engines, ***including voice assistants***. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy ***and allow for a healthy competition leading to increased consumer choice***.

Or. en

Justification

One of the characteristics of the online market is the quick raise and demise of business under the influence of platforms that can act as gatekeepers. Such role should be reduced as much as possible to one of neutral intermediaries thus benefiting the business and the consumer parts of the market.

Amendment 59

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. ***Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search***

Amendment

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engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

Or. en

Amendment 60
Răzvan Popa

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

Amendment

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment within the internal market by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union ***for repeated non-fulfilment.*** Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy, ***as well as service recipients.***

Or. ro

Amendment 61
Marisa Matias

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment *within the internal market* by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

(6) A uniform and targeted set of mandatory rules should therefore be established at Union level to ensure a fair, predictable, sustainable and trusted online business environment by ensuring, in particular, that the business users of online intermediation services are afforded appropriate transparency as well as effective redress possibilities throughout the Union. Those rules should also provide for appropriate transparency as regards the ranking of corporate website users in the search results generated by online search engines. At the same, those rules should be such as to safeguard the important innovation potential of the wider online platform economy.

Or. pt

Amendment 62

Michał Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Believes that better regulation in the digital age requires principle-based legislation coupled with complementary non-regulatory actions to effectively adapt to new technologies and new business models to prevent fragmentation of the single market;

Or. en

Amendment 63

Angelika Mlinar

Proposal for a regulation

Recital 7

(7) Since online intermediation services and online search engines typically have a global dimension, this Regulation should apply to providers of those services regardless of whether they are established in a Member State or outside the Union, provided that two cumulative conditions are met. Firstly, the business users or corporate website users should be established in the Union. Secondly, the business users or corporate website users should, through the provision of those services, offer their goods or services to consumers located in the Union at least for part of the transaction. Such consumers should be located in the Union, but do not need to have their place of residence in the Union nor have the nationality of any Member State. Accordingly, this Regulation should not apply where the business users or corporate websites users are not established in the Union or where they are established in the Union but where they use online intermediation services or online search engines to offer goods or services exclusively to consumers located outside the Union or to persons who are not consumers.

(7) Since online intermediation services and online search engines typically have a global dimension, this Regulation should apply to providers of those services regardless of whether they are established in a Member State or outside the Union, provided that two cumulative conditions are met. Firstly, the business users or corporate website users should be established in the Union. Secondly, the business users or corporate website users should, through the provision of those services, offer their goods or services to consumers located in the Union at least for part of the transaction. ***In accordance with Regulation (EC) No 44/2001 (Brussels I) and Regulation (EC) No 593/2008 (Rome I), this would mean that the online intermediation services and online search engines have targeted or directed sales to consumers located in one or more Member States, irrespective of where in the Union.*** Such consumers should be located in the Union, but do not need to have their place of residence in the Union nor have the nationality of any Member State. Accordingly, this Regulation should not apply where the business users or corporate websites users are not established in the Union or where they are established in the Union but where they use online intermediation services or online search engines to offer goods or services exclusively to consumers located outside the Union or to persons who are not consumers.

Or. en

Amendment 64

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Since online intermediation services and online search engines typically have a global dimension, this Regulation should apply to providers of those services regardless of whether they are established in a Member State or outside the Union, provided that two cumulative conditions are met. Firstly, the business users or corporate website users should be established in the Union. Secondly, the business users or corporate website users should, through the provision of those services, offer their goods or services to consumers located in the Union at least for part of the transaction. Such consumers should be located in the Union, but do not need to have their place of residence in the Union nor have the nationality of any Member State. Accordingly, this Regulation should not apply where the business users or corporate websites users are not established in the Union or where they are established in the Union but where they use online intermediation services or online search engines to offer goods or services exclusively to consumers located outside the Union or to persons who are not consumers.

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Or. en

Justification

It is important to correctly refer to all the categories of possible customers.

Amendment 65
Marisa Matias

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) It is also very important to foster proper training for consumers and companies in the fields covered by this Regulation, with a view to significantly improving opportunities for consumers and companies to get involved in regulating the sector. Similarly, workers and their representatives must be able to participate properly in the regulation of the sector, not only with regard to their working conditions, but also as a means of improving public scrutiny of the sector's activities as a whole.

Or. xm

Amendment 66
Angelika Mlinar

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) A wide variety of business-to-consumer commercial relations are intermediated online by providers operating multi-sided services that are essentially based on the same ecosystem-building business model. In order to capture the relevant services, online intermediation services should be defined in a precise and technologically-neutral manner. In particular, the services should consist of information society services, which are characterised by the fact that they aim to ***facilitate the initiating of*** direct transactions between business users and consumers, irrespective of whether the transactions are ultimately concluded either online, on the online portal of the provider of the online intermediation services in question or that of the business user, or offline. In addition, the services should be provided on the basis of contractual relationships both between the providers and business users and between the

Amendment

(8) A wide variety of business-to-consumer commercial relations are intermediated online by providers operating multi-sided services that are essentially based on the same ecosystem-building business model. In order to capture the relevant services, online intermediation services should be defined in a precise and technologically-neutral manner. In particular, the services should consist of information society services, which are characterised by the fact that they aim to ***enable business users to target or direct offers of goods or services to consumers, with a view to receiving direct or indirect remuneration from*** direct transactions between business users and consumers, irrespective of whether the transactions are ultimately concluded either online, on the online portal of the provider of the online intermediation services in question or that of the business user, or offline. In addition, the services should be

providers and the consumers. Such a contractual relationship should be deemed to exist where both parties concerned express their intention to be bound in an unequivocal and verifiable manner, without an express written agreement necessarily being required.

provided on the basis of contractual relationships both between the providers and business users and between the providers and the consumers. Such a contractual relationship should be deemed to exist where both parties concerned express their intention to be bound in an unequivocal and verifiable manner, without an express written agreement necessarily being required.

Or. en

Amendment 67
Cristian-Silviu Buşoi

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Amendment

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned ***or electronic communications networks or services or audio-visual media services, which are subject to sector specific regulation in relation to transparency, redress and non-discrimination.***

Amendment 68**Michał Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš****Proposal for a regulation****Recital 9***Text proposed by the Commission*

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

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Amendment 69**Pilar del Castillo Vera****Proposal for a regulation****Recital 9***Text proposed by the Commission**Amendment*

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since *they* do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

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Or. en

Amendment 70
Eva Kaili

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which

Amendment

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services and online social media ***services and voice assistance*** services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct

do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Or. en

Amendment 71 **Edouard Martin**

Proposal for a regulation **Recital 9**

Text proposed by the Commission

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services *and* online social media services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Amendment

(9) Examples of online intermediation services covered by this Regulation should consequently include online e-commerce market places, including collaborative ones on which business users are active, online software applications services, online social media *services and voice assistance* services. However, this Regulation should not apply to online advertising serving tools or online advertising exchanges which are not provided with the aim of facilitating the initiation of direct transactions and which do not involve a contractual relationship with consumers. This Regulation should also not apply to online payment services, since they do not themselves meet the applicable requirements but are rather inherently auxiliary to the transaction for the supply of goods and services to the consumers concerned.

Or. en

Amendment 72

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) For reasons of consistency, the definition of online search engine used in this Regulation should be aligned with the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹.

²¹ **Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).**

Amendment

deleted

Or. en

Amendment 73

Eva Kaili

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) For reasons of consistency, the definition of online search engine used in this Regulation should be aligned with the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹.

Amendment

(11) For reasons of consistency, the definition of online search engine used in this Regulation should be aligned with the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹. ***The definition of an online search engine as a digital service that allows users to perform searches on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns links, should be understood as technologically neutral and should include, but not be limited to, data entered in the form of typed input, voice and image search.***

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Or. en

Amendment 74

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) For reasons of consistency, the definition of online search engine used in this Regulation should be aligned with the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹.

Amendment

(11) For reasons of consistency, the definition of online search engine used in this Regulation should be aligned with the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹. ***However, considering the quick pace of innovation, the interpretation of the term should be made in the widest possible meaning.***

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Or. en

Justification

In order to have a future proof legislation we need to insert provisions that will be relevant even given a quick pace of innovation.

Amendment 75

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) ***For reasons of consistency***, the definition of online search engine used in this Regulation should be ***aligned with*** the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹.

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Amendment

(11) The definition of online search engine used in this Regulation should be ***broader than*** the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹ ***in order to ensure technology-neutrality and recognise the variety of search services.***

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Or. en

Amendment 76

Cristian-Silviu Buşoi

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) ***For reasons of consistency***, the definition of online search engine used in this Regulation should be ***aligned with*** the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council²¹.

²¹ Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ

Amendment

(11) The definition of online search engine used in this Regulation should be ***broader than*** the definition used in Directive (EU) 2016/1148 of the European Parliament and of the Council ***in order to ensure technology-neutrality and encompass the variety of search services in the market.***

Amendment 77

Eva Kaili

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to effectively protect business users where needed, this Regulation should apply *where* the terms and conditions of a contractual relationship, *regardless of their name or form, are not individually negotiated by the parties to them. Whether or not terms and conditions were individually negotiated should be determined on the basis of an overall assessment, whereby the fact that certain provisions thereof may have been individually negotiated is, in itself, not decisive.*

Amendment

(12) In order to effectively protect business users where needed, this Regulation should apply *to* the terms and conditions of a contractual relationship.

Amendment 78

Marisa Matias

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to effectively protect business users where needed, this Regulation should apply where the terms and conditions of a contractual relationship, regardless of their name or form, are not individually negotiated by the parties to them. Whether or not terms and conditions were individually negotiated should be determined on the basis of an

Amendment

(12) In order to effectively protect business users where needed, this Regulation should apply where the terms and conditions of a contractual relationship, regardless of their name or form, are not individually negotiated by the parties to them. *It should also apply in situations where, even though a contractual relationship has been*

overall assessment, whereby the fact that certain provisions thereof may have been individually negotiated is, in itself, not decisive.

individually negotiated, there is evidence that the negotiation was unfair or based on a failure to share information, or where it seems that a company has made use of its position as a monopoly or oligopoly. Whether or not terms and conditions were individually negotiated should be determined on the basis of an overall assessment, whereby the fact that certain provisions thereof may have been individually negotiated is, in itself, not decisive.

Or. pt

Amendment 79

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) To ensure that the general terms and conditions of a contractual relationship enable business users to determine the commercial conditions for the use, termination and suspension of online intermediation services, and to achieve predictability regarding their business relationship, those terms and conditions should be drafted in clear and unambiguous language which is easily understood by an average business user. Terms and conditions should not be considered to have been drafted in clear and unambiguous language where they are vague, unspecific or lack detail on important commercial issues and thus fail to give business users a reasonable degree of predictability on the most important aspects of the contractual relationship.

Amendment

(13) To ensure that the general terms and conditions of a contractual relationship enable business users to determine the commercial conditions for the use, termination and suspension of online intermediation services, and to achieve predictability regarding their business relationship, those terms and conditions should be drafted in clear and unambiguous language which is easily understood by an average business user. Terms and conditions should not be considered to have been drafted in clear and unambiguous language where they are vague, unspecific or lack detail on important commercial issues *or allow for disproportionate decision making power of the dominant side* and thus fail to give business users a reasonable degree of predictability on the most important aspects of the contractual relationship.

Or. en

Justification

Equal treatment of partners is an important idea and consistent terms of service can be a tool to achieve a competitive level playing field. In addition, the balance of power in the ToS needs to be based on checks and balances that reduce as much as possible the misunderstandings and unilateral subjective decisions.

Amendment 80 **Angelika Mlinar**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) To ensure that the general terms and conditions of a contractual relationship enable business users to determine the commercial conditions for the use, termination and suspension of online intermediation services, and to achieve predictability regarding their business relationship, those terms and conditions should be drafted in ***clear and unambiguous*** language which is easily understood by an average business user. Terms and conditions should not be considered to have been drafted in ***clear and unambiguous*** language where they are vague, unspecific or lack detail on important commercial issues and thus fail to give business users a reasonable degree of predictability on the most important aspects of the contractual relationship.

Amendment

(13) To ensure that the general terms and conditions of a contractual relationship enable business users to determine the commercial conditions for the use, termination and suspension of online intermediation services, and to achieve predictability regarding their business relationship, those terms and conditions should be drafted in ***plain and intelligible*** language which is easily understood by an average business user. Terms and conditions should not be considered to have been drafted in ***plain and intelligible*** language where they are vague, unspecific or lack detail on important commercial issues and thus fail to give business users a reasonable degree of predictability on the most important aspects of the contractual relationship.

Or. en

Amendment 81 **Amjad Bashir, Evžen Tošenovský**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) Ensuring transparency in the

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Amendment

(14) Ensuring transparency in the

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general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users *within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.*

general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users.

Or. en

Amendment 82

Eva Kaili

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms

Amendment

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms

are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner, ***such as the submission of a new product or service within the said notice period*** by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

Or. en

Amendment 83

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent

Amendment

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. ***By exception and subject to clear provisions of terms and conditions*** that notice period should not apply where, and to the extent that, it is waived in an

that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

Or. en

Justification

While a certain degree of flexibility in treatment of business practices that might harm consumers is needed, clarity on the obligations and measures is a first step in preventing such practices.

Amendment 84 **Angelika Mlinar**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation

Amendment

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least 15 days ***before being implemented***. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a

incumbent on the service provider under Union or national law.

legal obligation incumbent on the service provider under Union or national law.

Or. en

Amendment 85
Marisa Matias

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least **15** days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

Amendment

(14) Ensuring transparency in the general terms and conditions can be essential to promoting sustainable business relationships and to preventing unfair behaviour to the detriment of business users. Providers of online intermediation services should therefore also ensure that the terms and conditions are easily available at all stages of the contractual relationship, including to prospective business users at the pre-contractual phase, and that any modifications to those terms are notified to business users within a set notice period which is reasonable and proportionate in light of the specific circumstances and which is at least **30** days. That notice period should not apply where, and to the extent that, it is waived in an unambiguous manner by the business user concerned or where, and to the extent that, the need to implement the modification without respecting the notice period stems from a legal obligation incumbent on the service provider under Union or national law.

Or. pt

Amendment 86
Angelika Mlinar

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.

Amendment

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc, ***unless of a purely administrative nature and have no negative effect on the end-user or directly imposed by legislative or regulatory provisions.***

Or. en

Amendment 87

Marisa Matias

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however

Amendment

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however

only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.

only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions, ***provided that continued provision of the service does not cause irreparable harm to the company in question.*** Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.

Or. xm

Amendment 88

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users,

Amendment

(15) In order to protect business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users and

and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore ***be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.***

to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore ***enter into force only after the legal notice period has been completed and those at fault will be liable for damages.***

Or. en

Justification

The usual penalty for faulty notice actions is the suspension of the deadline until such time that the legal requirements are satisfied. Nullifying the content of the changes to ToS based on deadlines is not a measure that takes into account the merits of the content therefore seems disproportionate.

Amendment 89 **Răzvan Popa**

Proposal for a regulation **Recital 15**

Text proposed by the Commission

(15) In order to ***protect*** business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex tunc.

Amendment

(15) In order to ***provide optimum protection for*** business users it should be possible for a competent court to establish that non-compliant terms and conditions are not binding on the business user concerned, with effects ex nunc. Any such finding by a court should however only concern the specific provisions of the terms and conditions which are not compliant. The remaining provisions should remain valid and enforceable, in as far as they can be severed from the non-compliant provisions. Sudden modifications to existing terms and conditions may significantly disrupt business users' operations. In order to limit such negative effects on business users, and to discourage such behaviour, modifications made in contravention of the obligation to provide a set notice period, should therefore be null and void, that is, deemed to have never existed with effects erga omnes and ex

Amendment 90**Eva Kaili****Proposal for a regulation****Recital 16***Text proposed by the Commission*

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

Amendment

(16) A provider of online intermediation services can have legitimate reasons to decide to **sanction**, suspend, **delist** or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. **Such legitimate reasons could include legal obligations to remove content or terminate the provision of intermediation services as a whole, business user violation deviating from the agreed terms and conditions, that could be harmful to the consumer (for example, but not limited to: security issues, fraud, spam, phishing, abuse of consumer data or financial position, illegal and harmful content)**. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify

the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision. ***In case of suspicion of exercise of harmful practices by business users against the interest of the consumer or the platform, such statement of reasons should not be provided as the information could help maintain or improve the said harmful practices.***

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. en

Amendment 91

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to ***challenge*** the decision, thereby improving the possibilities for business users to seek effective redress where necessary. ***In***

Amendment

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to ***request a review*** of the decision, thereby improving the possibilities for business users to seek effective redress where necessary.

addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. en

Amendment 92

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the

Amendment

(16) A provider of online intermediation services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should allow business users to ascertain whether there is scope to challenge the

decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

decision, thereby improving the possibilities for business users to seek effective redress where necessary. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) No 2018/334²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision. ***Wherever possible a proportionate and gradual system should be put in place, including prior and timely notification before taking measures that will result in severing the access of the business to its customers.***

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. en

Justification

Termination of service and delisting are extreme measures with possible major impact on a small business. While there might be legitimate reasons to do so, proportionality should be always ensured and opportunity to comply needs to be offered to those acting in good faith.

Amendment 93 **Marisa Matias**

Proposal for a regulation **Recital 16**

Text proposed by the Commission

(16) A provider of online intermediation

Amendment

(16) A provider of online intermediation

services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof. The statement of reasons should *allow business users to ascertain whether there is scope to challenge the decision, thereby improving the possibilities for business users to seek effective redress where necessary*. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) *No 2018/334*²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

services can have legitimate reasons to decide to suspend or terminate the provision of its services, in whole or in part, to a given business user, including by delisting individual goods or services of a given business user or effectively removing search results. However, given that such decisions can significantly affect the interests of the business user concerned, they should be properly informed of the reasons thereof *in advance*. The statement of reasons should *always be presented in a clear and transparent manner and meet specific criteria. Business users should be allowed to challenge the decision and effective means of redress should be available to them for that purpose*. In addition, requiring a statement of reasons should help to prevent or remedy any unintended removal of online content provided by business users which the provider incorrectly considers to be illegal content, in line with Commission Recommendation (EU) *No 2018/33422*²². The statement of reasons should identify the objective ground or grounds for the decision, based on the grounds that the provider had set out in advance in its terms and conditions, and refer in a proportionate manner to the relevant specific circumstances that led to that decision.

²² Commission Recommendation (EU) No 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online (OJ L 63, 6.3.2018, p. 50).

Or. pt

Amendment 94
Eva Kaili

Proposal for a regulation
Recital 17

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the main parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of main parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. The description of the main parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their relevance to the consumers of the specific online intermediation services.

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the main parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. ***At the same time they should ensure that the ranking of goods and services presents a balanced choice of results so as to avoid manipulation and the harm of business users and consumers.*** The notion of main parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. The description of the main parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their relevance to the consumers of the specific online intermediation services. ***When ranking is influenced against remuneration, the consumers shall receive clear and unambiguous information regarding sponsored products or services.***

Or. en

Amendment 95

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the *main* parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of *main* parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. The description of the *main* parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their *relevance* to the consumers of the specific online intermediation services.

Amendment

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. The description of the parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their *benefit* to the consumers of the specific online intermediation services. ***When displaying the results, the online intermediation service shall also disclose close to each ranking whether it has been influenced against direct or indirect remuneration, contractual or direct ownership relationship.***

Justification

Relevance is a word often used in the context of efficiency of sales or user actions quantity. The general public interest lies in ensuring quality and not always enhancing quantity, therefore benefit of consumers is the appropriate target instead. In addition all parameters are important and the recital needs to be aligned with the new text of the corresponding article.

Amendment 96
Marisa Matias

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the main parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of main parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. ***The description of the main parameters determining ranking should also include an explanation of any possibility for business users to actively influence ranking against remuneration, as well as of the relative effects thereof.*** This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or

Amendment

17) The ranking of goods and services by the providers of online intermediation services has an important impact on consumer choice and, consequently, on the commercial success of the business users offering those goods and services to consumers. Providers of online intermediation services should therefore outline the main parameters determining ranking beforehand, in order to improve predictability for business users, to allow them to better understand the functioning of the ranking mechanism and to enable them to compare the ranking practices of various providers. The notion of main parameter should be understood to refer to any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanisms used in connection with the ranking. This description should provide business users with an adequate understanding of how the ranking mechanism takes account of the characteristics of the actual goods or services offered by the business user, and their relevance to the consumers of the specific online intermediation services. ***Attempts to influence the ranking in exchange for monetary compensation***

services offered by the business user, and their relevance to the consumers of the specific online intermediation services.

should be banned.

Or. pt

Amendment 97

Eva Kaili

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) The outlining of the main parameters that determine ranking should be carried out by the provider bearing into consideration and taking all the necessary measures to protect against harmful practices exercised by business users resulting in ranking manipulation.

Or. en

Amendment 98

Eva Kaili

Proposal for a regulation

Recital 17 b (new)

Text proposed by the Commission

Amendment

(17 b) The ranking of goods and services by the providers of online intermediation services and search engines is determined, at least partly, by user generated comments and reviews. The provider or search engine, in coordination with the business users, should develop mechanisms that address the issue of fake comments and reviews that are trying either to manipulate the ranking either for or against a business user resulting in harmful practices against the consumer. Such mechanisms should include, but not

be limited to, defining eligibility criteria for commenting or reviewing a product or service and shall be mentioned in the terms and conditions. The provider shall also identify the conditions under which a comment or review can be removed and outline the relative procedure in the terms and conditions.

Or. en

Amendment 99
Eva Kaili

Proposal for a regulation
Recital 17 c (new)

Text proposed by the Commission

Amendment

(17 c) Given the importance of comments and reviews for the business users, the online intermediation service providers and search engine providers should develop solutions that focus on the verification and portability of comments and reviews from one intermediation service provider and search engine provider to another, so as to avoid duplication, enhance transparency and to facilitate the consumer's choice. Such solutions could explore the possibility of employing distributed ledger technology for the tokenisation and verification of data related to comments and reviews and the portability of said data to other intermediation service provider and search engine provider.

Or. en

Amendment 100
Eva Kaili

Proposal for a regulation
Recital 17 d (new)

(17 d) In order to ensure and protect the integrity of the ranking of goods and services by the providers of online intermediation services and search engines and as ranking is determined, at least partly, by user generated comments and reviews the provider and search engine shall communicate on a regular basis with the business user so as to avoid comments or reviews by consumers acting in bad faith. When a consumer has acted previously in bad faith, either by repeatedly commenting or reviewing in a malicious or harmful way for the business user or the provider or the search engine, or repeatedly brought forward cases to the business user, provider or search engine filing unsubstantiated claims for reimbursement, the provider of online intermediation service or search engine shall notify the business user about the behaviour of the consumer and they should provide with facilitation of the verification of a potential unsubstantiated harmful comment or review that could affect the overall ranking of the business user.

Or. en

Amendment 101

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) Similarly, the ranking of websites by the providers of online search engines, notably of those websites through which undertakings offer goods and services to consumers, has an important impact on consumer choice and the commercial

deleted

success of corporate website users. Providers of online search engines should therefore provide a description of the main parameters determining the ranking of all indexed websites, including those of corporate website users as well as other websites. In addition to the characteristics of the goods and services and their relevance for consumers, this description should in the case of online search engines also allow corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, certain design characteristics of the website used, such as their optimisation for display on mobile telecommunications devices, is taken into account. In the absence of a contractual relationship between providers of online search engines and corporate website users, that description should be available to the public in an obvious and easily accessible location on the relevant online search engine. To ensure predictability for corporate website users, the description should also be kept up to date, including the possibility that any changes to the main parameters should be made easily identifiable. Whilst the providers are under no circumstances required to disclose any trade secrets as defined in Directive (EU) 2016/943 of the European Parliament and of the Council²³ when complying with this requirement to disclose the main ranking parameters, the description given should at least be based on actual data on the relevance of the ranking parameters used.

²³ *Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).*

Amendment 102

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Similarly, the ranking of websites by the providers of online search engines, notably of those websites through which undertakings offer goods and services to consumers, has an important impact on consumer choice and the commercial success of corporate website users. Providers of online search engines should therefore provide a description of the *main* parameters determining the ranking of all indexed websites, including those of corporate website users as well as other websites. In addition to the characteristics of the goods and services and their relevance for consumers, this description should in the case of online search engines also allow corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, certain design characteristics of the website used, such as their optimisation for display on mobile telecommunications devices, is taken into account. In the absence of a contractual relationship between providers of online search engines and corporate website users, that description should be available to the public in an obvious and easily accessible location on the relevant online search engine. To ensure predictability for corporate website users, the description should also be kept up to date, including the possibility that any changes to the *main* parameters should be made easily identifiable. Whilst *the providers are under no circumstances required* to disclose *any trade secrets as defined in* Directive (EU) 2016/943 of the European Parliament and of the Council²³

Amendment

(18) Similarly, the ranking of websites by the providers of online search engines, notably of those websites through which undertakings offer goods and services to consumers, has an important impact on consumer choice and the commercial success of corporate website users. Providers of online search engines should therefore provide a *publicly accessible* description of the parameters determining the ranking of all indexed websites, including those of corporate website users as well as other websites. In addition to the characteristics of the goods and services and their relevance for consumers, this description should in the case of online search engines also allow corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, certain design characteristics of the website used, such as their optimisation for display on mobile telecommunications devices, is taken into account. In the absence of a contractual relationship between providers of online search engines and corporate website users, that description should be available to the public in an obvious and easily accessible location on the relevant online search engine. To ensure predictability for corporate website users, the description should also be kept up to date, including the possibility that any changes to the parameters should be made easily identifiable. Whilst *requirement to disclose ranking parameters should be without prejudice to* Directive (EU) 2016/943 of the European Parliament and

when complying with this requirement to disclose the main ranking parameters, the description given should at least be based on actual data on the relevance of the ranking parameters used.

²³ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

of the Council²³ *while taking into account the provisions on lawful acquisition, use and disclosure*, the description given should at least be based on actual data on the relevance of the ranking parameters used.

²³ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

Or. en

Justification

There's a general public interest in ensuring transparency, thus all documents referred in this recital should be publicly accessible. The provisions of Directive (EU) 2016/943 will not be impacted and the directive should continue to apply in its entirety.

Amendment 103

Eva Kaili

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Similarly, the ranking of websites by the providers of online search engines, notably of those websites through which undertakings offer goods and services to consumers, has an important impact on consumer choice and the commercial success of corporate website users. Providers of online search engines should therefore provide a description of the main parameters determining the ranking of all indexed websites, including those of corporate website users as well as other websites. In addition to the characteristics of the goods and services and their relevance for consumers, this description

Amendment

(18) Similarly, the ranking of websites by the providers of online search engines, notably of those websites through which undertakings offer goods and services to consumers, has an important impact on consumer choice and the commercial success of corporate website users. Providers of online search engines should therefore provide a **clear** description of the main parameters determining the ranking of all indexed websites, including those of corporate website users as well as other websites. In addition to the characteristics of the goods and services and their relevance for consumers, this description

should in the case of online search engines also allow corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, certain design characteristics of the website used, such as their optimisation for display on mobile *telecommunications* devices, is taken into account. In the absence of a contractual relationship between providers of online search engines and corporate website users, that description should be available to the public in an obvious and easily accessible location on the relevant online search engine. To ensure predictability for corporate website users, the description should also be kept up to date, including the possibility that any changes to the main parameters should be made easily identifiable. Whilst the providers are under no circumstances required to disclose any trade secrets as defined in Directive (EU) 2016/943 of the European Parliament and of the Council²³ when complying with this requirement to disclose the main ranking parameters, the description given should at least be based on actual data on the relevance of the ranking parameters used.

²³ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

should in the case of online search engines also allow corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, certain design characteristics of the website used, such as their optimisation for display on mobile devices is taken into account. In the absence of a contractual relationship between providers of online search engines and corporate website users, that description should be available to the public in an obvious and easily accessible location on the relevant online search engine. To ensure predictability for corporate website users, the description should also be kept up to date, including the possibility that any changes to the main parameters should be made easily identifiable. Whilst the providers are under no circumstances required to disclose any trade secrets as defined in Directive (EU) 2016/943 of the European Parliament and of the Council²³ when complying with this requirement to disclose the main ranking parameters, the description given should at least be based on actual data on the relevance of the ranking parameters used.

²³ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

Or. en

Amendment 104
Eva Kaili

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

Amendment

(19) Where a provider of online intermediation services ***or online search engine*** itself offers certain goods or services to consumers through its own online intermediation services ***or online search engine***, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services ***or online search engine*** acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, ***including but not limited to the setting of a default option that favours the provider or online search engine, the*** that it might give in respect of goods or services it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

Or. en

Amendment 105

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete

Amendment

(19) Where a provider of online intermediation services itself offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete

directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. ***To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.***

directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a ***proportionate and*** transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. ***When displaying the results, the online intermediation service shall also disclose close to each product or service to which it gave differentiated treatment, in a well recognisable manner whether it has been influenced against direct or indirect remuneration, contractual or direct ownership relationship.***

Or. en

Justification

Transparency needs to be followed by proportionality in order to ensure that unilateral decisions do not harm business users and in the same time provide business competitors and consumers with information about changes to the normal ranking.

Amendment 106 **Angelika Mlinar**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) Where a provider of online intermediation services ***itself*** offers certain goods or services to consumers through its own online intermediation services, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the provider. In such situations, in particular, it is important that

Amendment

(19) Where a provider of online intermediation services ***or online search engine*** offers ***itself*** certain goods or services to consumers through its own online intermediation services ***or online search engine***, or does so through a business user which it controls, that provider may compete directly with other business users of its online intermediation services which are not controlled by the

the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

provider. In such situations, in particular, it is important that the provider of online intermediation services **or online search engine** acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

Or. en

Amendment 107
José Blanco López

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Where a provider of online intermediation services **itself** offers certain goods or services to consumers through its own **online intermediation** services, or does so through a business user which it controls, that provider may compete directly with other business users of its **online intermediation** services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods or services offered through those services.

Amendment

(19) Where a provider of online intermediation services **or an online search engine provider** offers certain goods or services to consumers through its own services, or does so through a business user which it controls, that provider may compete directly with other business users of its services which are not controlled by the provider. In such situations, in particular, it is important that the provider of online intermediation services **or the provider of online search engines** acts in a transparent manner and provides a description of any differentiated treatment, whether through legal, commercial or technical means, that it might give in respect of goods or services it offers itself compared to those offered by business users. To ensure proportionality, this obligation should apply at the level of the overall online intermediation services, rather than at the level of individual goods

or services offered through those services.

Or. es

Amendment 108

Eva Kaili

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ 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

Amendment

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴***This Regulation shall require online intermediation service providers and search engine providers to provide an option for the consumer to opt in and share personal data with third parties beyond what is set out in their privacy policies.***

²⁴ 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

Amendment 109
Edouard Martin

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ 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

Amendment

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. ***In any case, it shall be ensured that the data of the consumers is made simultaneously available to the business users upon the contract through the provider of intermediations services is concluded.*** Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ 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

Amendment 110
Marisa Matias

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴

²⁴ 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

Amendment

20) The ability to access and use data, including personal data, can enable important value creation in the online platform economy. Accordingly, it is important that providers of online intermediation services provide business users with a clear description of the scope, nature and conditions of their access to and use of certain categories of data. The description should be proportionate and might refer to general access conditions, rather than an exhaustive identification of actual data, or categories of data, in order to enable business users to understand whether they can use the data to enhance value creation, including by possibly retaining third-party data services. Processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council.²⁴
At all events, businesses should be able to make use of data obtained through the provision of services for their own commercial purposes.

²⁴ 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) (Text with EEA relevant) (OJ L 119, 4.5.2016, p. 1).

Regulation) (Text with EEA relevant) (OJ L 119, 4.5.2016, p. 1).

Or. xm

Amendment 111

Paul Rübzig

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) It is equally important that online intermediation service providers do not engage in unfair commercial practices (including commercial behaviour or the inclusion of unfair contractual terms) which violates good faith or good commercial conduct, creates an imbalance in the relationship with the transfer of costs incurred or the shift of entrepreneurial risk to the weaker party and is unilaterally imposed. It is not proportionate to apply this prohibition to small enterprises (within the meaning of Article 2(2) of the Annex to Recommendation 2003/361/EC).

Or. en

Amendment 112

Paul Rübzig

Proposal for a regulation

Recital 20 b (new)

Text proposed by the Commission

Amendment

(20 b) Certain practices can be conclusively treated as unfair in all circumstances. The Platform Observatory should continuously review this list of practices and recommend updates to the Commission.

Amendment 113

Marisa Matias

Proposal for a regulation

Recital 21

Text proposed by the Commission

Amendment

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.

deleted

Or. pt

Amendment 114

Eva Kaili

Proposal for a regulation

Recital 21

Text proposed by the Commission

Amendment

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to

consumers under more favourable conditions through other means than through those online intermediation services. *In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.*

consumers under more favourable conditions through other means than through those online intermediation services. Such restrictions *deprive business users from exercising their entrepreneurial freedom to set the conditions of sale of their own products and services, and may also harm consumers by preventing them access to a wider choice, while fragmenting the Single Market.*

Or. en

Amendment 115

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. ***This*** transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of

Amendment

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions ***and ensure that the restriction is proportionate.*** The transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in

competition and unfair commercial practices, and the application of such laws.

accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.

Or. en

Justification

Finding the balance between the ability to conduct its own business and the influence one can exert on the market might be the focal point of this Regulation. As such, proportionality is an important principle in all measures to be applied.

Amendment 116 **Răzvan Popa**

Proposal for a regulation **Recital 21**

Text proposed by the Commission

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.

Amendment

(21) Providers of online intermediation services might in certain cases restrict in the terms and conditions ***included in the provisions listed on the site*** the ability of business users to offer goods or services to consumers under more favourable conditions through other means than through those online intermediation services. In those cases, the providers concerned should set out the grounds for doing so, in particular with reference to the main economic, commercial or legal considerations for the restrictions. This transparency obligation should however not be understood as affecting the assessment of the legality of such restrictions under other acts of Union law or the law of Member States in accordance with Union law, including in the areas of competition and unfair commercial practices, and the application of such laws.

Or. ro

Amendment 117
Marisa Matias

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In order to enable business users, including those whose use of the relevant online intermediation services might have been suspended or terminated, to have access to immediate, suitable and effective redress possibilities, providers of online intermediation services should provide for an internal complaint-handling system. That internal complaint-handling system should be aimed at ensuring that a significant proportion of complaints can be solved bilaterally by the provider of the online intermediation services and the relevant business user. In addition, ensuring that providers of online intermediation services publish information on the functioning and effectiveness of their internal complaint-handling system should help business users to understand the types of issues that can arise in the context of the provision of different online intermediation services and the possibility of reaching a quick and effective bilateral resolution.

Amendment

22) In order to enable business users, including those whose use of the relevant online intermediation services might have been suspended or terminated, to have access to immediate, suitable and effective redress possibilities, providers of online intermediation services should provide for an internal complaint-handling system. ***This system should be clear and easy to access and should lay down the complaint-handling and resolution procedures.*** That internal complaint-handling system should be aimed at ensuring that a significant proportion of complaints can be solved bilaterally by the provider of the online intermediation services and the relevant business user. In addition, ensuring that providers of online intermediation services publish information on the functioning and effectiveness of their internal complaint-handling system should help business users to understand the types of issues that can arise in the context of the provision of different online intermediation services and the possibility of reaching a quick and effective bilateral resolution.

Or. xm

Amendment 118
Răzvan Popa

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In order to enable business users,

Amendment

(22) In order to enable business users,

including those whose use of the relevant online intermediation services might have been suspended or terminated, to have access to immediate, suitable and effective redress possibilities, providers of online intermediation services should provide for an internal complaint-handling system. That internal complaint-handling system should be aimed at ensuring that a significant proportion of complaints can be solved bilaterally by the provider of the online intermediation services and the relevant business user. In addition, ensuring that providers of online intermediation services publish information on the functioning and effectiveness of their internal complaint-handling system should help business users to understand the types of issues that can arise in the context of the provision of different online intermediation services and the possibility of reaching a quick and effective bilateral resolution.

including those whose use of the relevant online intermediation services might have been suspended or terminated, to have access to immediate, suitable and effective redress possibilities, providers of online intermediation services should provide for an internal complaint-handling system ***with clear resolution deadlines***. That internal complaint-handling system should be aimed at ensuring that a significant proportion of complaints can be solved bilaterally by the provider of the online intermediation services and the relevant business user. In addition, ensuring that providers of online intermediation services publish information on the functioning and effectiveness of their internal complaint-handling system should help business users to understand the types of issues that can arise in the context of the provision of different online intermediation services and the possibility of reaching a quick and effective bilateral resolution.

Or. ro

Amendment 119

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The requirements of this Regulation regarding the internal complaint-handling systems aim at allowing providers of online intermediation services a reasonable degree of flexibility when operating those systems and addressing individual complaints, so as to minimise any administrative burden. In addition, the internal complaint-handling systems should allow providers of online intermediation services to address, where necessary, in a proportionate manner any use in bad faith

Amendment

(23) The requirements of this Regulation regarding the internal complaint-handling systems aim at allowing providers of online intermediation services a reasonable degree of flexibility when operating those systems and addressing individual complaints, so as to minimise any administrative burden. In addition, the internal complaint-handling systems should allow providers of online intermediation services to address, where necessary, in a proportionate manner any use in bad faith

which certain business users might seek to make of those systems. In cases other than any alleged non-compliance with the legal obligations of this Regulation, the internal complaint-handling systems should moreover not be open to complaints involving only negligible negative effects on the business user concerned. In light of the costs of setting up and operating such systems, it is appropriate to exempt from those obligations any providers of online intermediation services which constitute small enterprises, in line with the relevant provisions of Commission Recommendation 2003/361/EC²⁵.

which certain business users might seek to make of those systems. In cases other than any alleged non-compliance with the legal obligations of this Regulation, the internal complaint-handling systems should moreover not be open to complaints involving only negligible negative effects on the business user concerned. In light of the costs of setting up and operating such systems, it is appropriate to exempt from those obligations any providers of online intermediation services which constitute small enterprises, in line with the relevant provisions of Commission Recommendation 2003/361/EC²⁵. ***The internal complaint-handling system should be based on principles of equal treatment and its use should not lead to any detrimental treatment of the business user.***

²⁵ 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, p36).

²⁵ 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, p36).

Or. en

Justification

Aligning the text with the new provisions in the article.

Amendment 120 **Eva Kaili**

Proposal for a regulation **Recital 24**

Text proposed by the Commission

(24) Mediation can offer providers of online intermediation services and their business users a means to resolve disputes in a satisfactory manner, without having to use judicial proceedings which can be

Amendment

(24) Mediation can offer providers of online intermediation services and their business users a means to resolve disputes in a satisfactory manner, without having to use judicial proceedings which can be

lengthy and costly. Therefore, providers of online intermediation services should facilitate mediation by, in particular, identifying mediators with which they are willing to engage. ***Mediators which provide their services from a location outside the Union should only be identified where it is guaranteed that the use of those services does not in any way deprive the business users concerned of any legal protection offered to them under Union law or the law of the Member States, including the requirements of this Regulation and the applicable law regarding protection of personal data and trade secrets.*** In order to be accessible, fair, and as swift, efficient and effective as possible, those mediators should meet certain set criteria.

lengthy and costly. Therefore, providers of online intermediation services should facilitate mediation by, in particular, identifying mediators ***established in the EU***, with which they are willing to engage. In order to be accessible, fair, and as swift, efficient and effective as possible, those mediators should meet certain set criteria ***that will be set by the Platform Observatory.***

Or. en

Amendment 121

Marisa Matias

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Mediation can offer providers of online intermediation services and their business users a means to resolve disputes in a satisfactory manner, without having to use judicial proceedings which can be lengthy and costly. Therefore, providers of online intermediation services should facilitate mediation by, in particular, identifying mediators with which they are willing to engage. Mediators which provide ***their services*** from a location outside the Union ***should only be identified where it is guaranteed*** that the use of ***those*** services does not in any way deprive the business users concerned of any legal protection offered to them under Union law or the law of the Member

Amendment

24) Mediation can offer providers of online intermediation services and their business users a means to resolve disputes in a satisfactory manner, without having to use judicial proceedings which can be lengthy and costly. Therefore, providers of online intermediation services should facilitate mediation by, in particular, identifying mediators with which they are willing to engage. ***Under no circumstances may access be given to the mediators which provide a service*** from a location outside the Union ***if the mediators do not guarantee*** that the use of ***their*** services does not in any way deprive the business users concerned of any legal protection offered to them under Union law

States, including the requirements of this Regulation and the applicable law regarding protection of personal data and trade secrets. In order to be accessible, fair, and as swift, efficient and effective as possible, those mediators should meet certain set criteria.

or the law of the Member States, including the requirements of this Regulation and the applicable law regarding protection of personal data and trade secrets. In order to be accessible, fair, and as swift, efficient and effective as possible, those mediators should meet certain set criteria.

Or. xm

Amendment 122
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs.

deleted

Or. en

Amendment 123
Eva Kaili

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand, *including whether the case was brought in good*

proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs.

faith. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs ***in case the business user constitutes a small enterprise, in line with the relevant provisions of Commission Recommendation 2003/361/EC. When a business user has acted previously in bad faith during the mediation process, or repeatedly brought forward cases not leading to agreement of the dispute, the provider of online intermediation service should not be obliged to engage in mediation with said business users.***

Or. en

Amendment 124
Marisa Matias

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs.

Amendment

25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. ***That proportion should be larger when the other party is a micro, small or medium-sized enterprise.*** To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs.

Or. pt

Amendment 125
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, that proportion should never be less than half of those costs.

Amendment

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. However, ***for the providers of online intermediation services***, that proportion should never be less than half of those costs .

Or. en

Justification

To clarify the intended scope of the provision it should be clear when the proportion can be less than half.

Amendment 126
Angelika Mlinar

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case. ***However, that proportion should never be less than half of those costs.***

Amendment

(25) Providers of online intermediation services should bear a reasonable proportion of the total costs of the mediation, taking into account all relevant elements of the case at hand. To that aim, the mediator should suggest which proportion is reasonable in the individual case.

Or. en

Amendment 127
Răzvan Popa

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Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to facilitate the settlement of disputes relating to the provision of online intermediation services using mediation in the Union, the Commission should encourage the setting up of specialised mediation organisations, which are currently lacking. The involvement of mediators having specialist knowledge of online intermediation services and online search engines as well as of the specific industry sectors within which those services are provided should add to the confidence both parties have in the mediation process and should increase the likelihood of that process leading to a swift, just and satisfactory outcome.

Amendment

(26) In order to facilitate the settlement of disputes relating to the provision of online intermediation services using mediation in the Union, the Commission, ***in cooperation with the Member States***, should encourage the setting up of specialised mediation organisations, which are currently lacking. The involvement of mediators having specialist knowledge of online intermediation services and online search engines as well as of the specific industry sectors within which those services are provided should add to the confidence both parties have in the mediation process and should increase the likelihood of that process leading to a swift, just and satisfactory outcome. ***Mediators must be trained in all Member States to ensure that all citizens have access to these services in their own language.***

Or. ro

Amendment 128

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to facilitate the settlement of disputes relating to the provision of online intermediation services using mediation in the Union, ***the Commission*** should ***encourage the setting up of*** specialised mediation organisations, which are currently lacking. The involvement of mediators having specialist knowledge of

Amendment

(26) In order to facilitate the settlement of disputes relating to the provision of online intermediation services using mediation in the Union, ***Member States*** should ***set up*** specialised mediation organisations, which are currently lacking. The involvement of mediators having specialist knowledge of online

online intermediation services and online search engines as well as of the specific industry sectors within which those services are provided should add to the confidence both parties have in the mediation process and should increase the likelihood of that process leading to a swift, just and satisfactory outcome.

intermediation services and online search engines as well as of the specific industry sectors within which those services are provided should add to the confidence both parties have in the mediation process and should increase the likelihood of that process leading to a swift, just and satisfactory outcome.

Or. en

Justification

Member States already have mediation systems in place and using those would be both efficient and add guarantees of quick set-up and proper functioning

Amendment 129

Marisa Matias

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The Commission should support the creation of a portal for complaints about online intermediation services, and that portal should include the code of conduct and rules on the functioning of those services, together with an explanation of complaining parties' rights and the options available to them in disputes or if unfair or fraudulent activities have taken place.

Or. pt

Amendment 130

Eva Kaili

Proposal for a regulation

Recital 27

Text proposed by the Commission

Amendment

(27) Various factors, such as limited

(27) Various factors, such as limited

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financial means, a fear of retaliation and exclusive choice of law and forum provisions in terms and conditions, can limit the effectiveness of existing judicial redress possibilities, particularly those which require business users or corporate website users to act individually and identifiably. To ensure the effective application of this Regulation, organisations, associations representing business users or corporate website users, as well as certain public bodies set-up in Member States, should be granted the possibility to take action before national courts. Such action before national courts should aim to stop or prohibit infringements of the rules set out in this Regulation and to prevent future damage that could undermine sustainable business relationships in the online platform economy. In order to ensure that such organisations or associations exercise that right effectively and in an appropriate manner, they should meet certain criteria. Considering the particular status of the relevant public bodies in Member States where such bodies have been set up, it should only be required that those have been specifically charged, in accordance with the relevant rules of national law, with bringing such actions either in the collective interest of the parties concerned or in the general interest, without there being a need to apply those criteria to such public bodies. Any such actions should in no way affect the rights of the business users and corporate website users to take judicial action on an individual basis.

financial means, a fear of retaliation and exclusive choice of law and forum provisions in terms and conditions, can limit the effectiveness of existing judicial redress possibilities, particularly those which require business users or corporate website users to act individually and identifiably. To ensure the effective application of this Regulation, organisations, associations representing business users or corporate website users, as well as certain public bodies set-up in Member States, should be granted the possibility to take action before national courts. Such action before national courts should aim to stop or prohibit infringements of the rules set out in this Regulation and to prevent future damage that could undermine sustainable business relationships in the online platform economy. In order to ensure that such organisations or associations exercise that right effectively and in an appropriate manner, they should meet certain *transparency* criteria ***and be registered at the Transparency Register***. Considering the particular status of the relevant public bodies in Member States where such bodies have been set up, it should only be required that those have been specifically charged, in accordance with the relevant rules of national law, with bringing such actions either in the collective interest of the parties concerned or in the general interest, without there being a need to apply those criteria to such public bodies. Any such actions should in no way affect the rights of the business users and corporate website users to take judicial action on an individual basis.

Or. en

Amendment 131

Michał Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) Considers that EU legislation should be guided by the concept of “as little as possible and as much as necessary”, which means necessity of rules fitting for digital age and open and technologically neutral enough to accommodate future developments; Appreciates the Commission’s initiative to analyse the role of platforms in the Digital Economy, ensuring a comprehensive and similar approach to framework across the digital market; considers that “a one size fits all” solution may have a chilling effect on innovation and put European companies at a competitive disadvantage in the global economy;

Or. en

Amendment 132

Eva Kaili

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) For reasons of transparency and accountability, and due to the role and tasks foreseen, the Observatory on the Online Platform Economy should be established as a body under this Regulation rather than as an expert group established by a Commission decision. The Observatory should have a wide range of independent experts that have proven competence and experience in the sector as its members.

Or. en

Amendment 133
Marisa Matias

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) The Commission should periodically evaluate this Regulation, in particular with a view to determining the need for amendments in light of relevant technological or commercial developments.

Amendment

(29) The Commission should periodically evaluate this Regulation, in particular with a view to determining the need for amendments in light of relevant technological or commercial developments. ***Within two years, it shall present an assessment of compliance with the Regulation.***

Or. xm

Amendment 134
Rolandas Paksas

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online ***business-to-consumer*** intermediation services and corporate website users in relation to online search engines ***where an official business-to-platform relationship is established*** are granted appropriate transparency and effective redress possibilities.

Or. en

Justification

It is necessary to ensure that the regulation applies to the specific business-to-consumer intermediation services, where an official business-to-platform relationship is established and where businesses or consumers in the EU are targeted

Amendment 135

Evžen Tošenovský, Amjad Bashir

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services **and corporate website users in relation to online search engines** are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online **business-to-consumer** intermediation services **where an official business-to-platform relationship is established** are granted appropriate transparency and effective redress possibilities.

Or. en

Amendment 136
Jaromír Kohlíček

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services **and corporate website users in relation to online search engines** are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online intermediation services are granted appropriate transparency and effective redress possibilities.

Or. en

Justification

There is no contractual arrangement for “corporate website users” in case of online search engines (there can be for advertising services presented at search page, but not directly for online search engine as such); rather webmasters can opt in/opt out to be indexed by a search engine without entering into any contractual relationship.

Amendment 137
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online **and connected** search engines are granted appropriate **fairness**, transparency and effective redress possibilities.

Or. en

Justification

Search is a function that can be performed by applications and systems online and offline, returning results to a business user or a consumer. Using an application that connects to the Internet in order to provide results needs to be covered in a general manner, as the rise of IoT and mobile devices can result in unintended exceptions and limit business access to consumers. This amendment should be applied throughout the Regulation.

Amendment 138
Eva Kaili

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted **appropriate** transparency and effective redress possibilities.

Amendment

1. This Regulation lays down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted transparency and effective redress possibilities.

Or. en

Amendment 139
Răzvan Popa

Proposal for a regulation
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *This Regulation seeks to create an innovative and trust-based ecosystem in the EU online platform economy, contributing to a stronger and more effective digital single market for innovation, competitiveness, economic growth and job creation.*

Or. ro

Amendment 140
Rolandas Paksas

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation shall apply to online intermediation services and online search engines provided, ***or offered to be provided***, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

2. This Regulation shall apply to online intermediation services and online search engines provided, ***that target consumers located in the European Union***, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, ***seek to*** offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Justification

These changes make the definitions more appropriate, clarifying the role that online intermediation services play in this context.

Amendment 141
Angelika Mlinar

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to online intermediation services and online search engines provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, **offer** goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Amendment

2. This Regulation shall apply to online intermediation services and online search engines provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, **target or direct sales of** goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Amendment 142
Jaromír Kohlíček

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to online intermediation services **and online search engines** provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services **or online search engines**, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Amendment

2. This Regulation shall apply to online intermediation services provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Amendment 143
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to online intermediation services **and online search engines** provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services **or online search engines**, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Amendment

2. This Regulation shall apply to online intermediation services provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.

Or. en

Justification

This change should apply to all references to online search engines.

Amendment 144
José Blanco López

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation shall apply in so far as it does not interfere with specific provisions contained in other Union legislative acts governing fairness and transparency in specific sectors.

Or. es

Amendment 145
Cristian-Silviu Buşoi

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘business user’ means any natural or legal person which through online intermediation services offers goods or services to consumers for purposes relating to its trade, business, craft or profession;

Amendment

(1) ‘business user’ means any natural or legal person which through online intermediation services offers ***or seeks to offer*** goods or services to consumers for purposes relating to its trade, business, craft or profession;

Or. en

Amendment 146
Cristian-Silviu Buşoi

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point a

Text proposed by the Commission

(a) they constitute information society services within the meaning of Article 1(1)(b) of Directive (EU) No 2015/1535 of the European Parliament and of the Council²⁷ ;

Amendment

(a) they constitute information society services within the meaning of Article 1(1)(b) of Directive (EU) No 2015/1535 of the European Parliament and of the Council ***or technology online intermediation services that connect hardware and applications, such as device operating systems;***

²⁷ 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 147
Angelika Mlinar

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) *they allow* business users to *offer* goods or services to consumers, with a view to *facilitating the initiating of* direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Amendment

(b) *one of their primary purposes is to enable* business users to *target or direct offers of* goods or services to consumers, with a view to *receiving direct or indirect remuneration from* direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Or. en

Amendment 148

Rolandas Paksas

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Amendment

(b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers *and go above mere provision of an online presence*, irrespective of where those transactions are ultimately concluded;

Or. en

Amendment 149

Michal Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) *they allow* business users to offer goods or services to consumers, *with a*

Amendment

(b) *their primary purpose is to enable* business users to offer goods or services to

view to facilitating the initiating *of* direct transactions between *those* business users and consumers, *irrespective of where those transactions are ultimately concluded*;

consumers, *by* initiating direct transactions between business users and consumers;

Or. en

Amendment 150
José Blanco López

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Amendment

(b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of **web-based** direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded;

Or. es

Amendment 151
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point c

Text proposed by the Commission

(c) they are provided to business users on the basis of contractual relationships between, on the one hand, the provider of those services and, on the other hand, both those business users and the consumers to which those business users offer goods or services;

Amendment

(c) they are provided **in general** to business users on the basis of contractual relationships between, on the one hand, the provider of those services and, on the other hand, both those business users and the consumers to which those business users offer goods or services;

Or. en

Justification

Sometimes there is no direct agreement between a business user and the owner of a database including the respective user's service or goods. The addition of "in general" is of nature to ensure that even unsolicited inclusions are treated in the same fair and transparent way.

Amendment 152 **José Blanco López**

Proposal for a regulation **Article 2 – paragraph 1 – point 3**

Text proposed by the Commission

(3) ‘provider of online intermediation services’ means any natural or legal person which provides, or which offers to provide, online intermediation services to business users;

Amendment

(3) ‘provider of online intermediation services’ means any natural or legal person which provides, or which offers to provide, online intermediation services to business users, ***by whatever means, whether written or voice services;***

Or. es

Amendment 153 **Amjad Bashir, Evžen Tošenovský**

Proposal for a regulation **Article 2 – paragraph 1 – point 5**

Text proposed by the Commission

(5) ***‘online search engine’ means a digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns links in which information related to the requested content can be found;***

Amendment

deleted

Or. en

Amendment 154

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Jaromír Kohlíček

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) ‘online search engine’ means a digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns links in which information related to the requested content can be found;

deleted

Or. en

Amendment 155
José Blanco López

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) ‘online search engine’ means a digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns links in which information related to the requested content can be found;

(5) ‘online search engine’ means a digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, *via by whatever means, whether written or voice services*, and returns *information and/or* links in which information related to the requested content can be found;

Or. es

Amendment 156
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘online search engine’ means a digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns **links** in which information related to the requested content can be found;

Amendment

(5) ‘online search engine’ means a digital service that allows users to **input queries and** perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns **output** in which information related to the requested content can be found;

Or. en

Justification

A search can be initiated by user actions not limited to text, but including manipulation of input devices, video or sound. The result can be more than a link, including an action, sound or video output.

Amendment 157

Cristian-Silviu Buşoi

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘online search engine’ means a digital service that allows users to perform searches of, **in principle, all** websites or websites in a particular language on the basis of a query **on any subject** in the form of a keyword, phrase or other input, and returns **links** in which information related to the **requested content** can be found;

Amendment

(5) ‘online search engine’ means a digital service that allows users to perform searches of **multiple** websites or websites **or mobile applications** in a particular language on the basis of a query in the form of a keyword, phrase or other input **(whether by text, voice or otherwise)**, and returns **results** in which information related to the **query** can be found;

Or. en

Amendment 158

Michal Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘online search engine’ means a digital service that allows users to perform searches of, ***in principle, all websites or websites*** in a particular language on the basis of a query ***on any subject*** in the form of a keyword, phrase or other input, and returns ***links*** in which information related to the ***requested content*** can be found;

Amendment

(5) ‘online search engine’ means a digital service ***or interface or mobile applications*** that allows users to perform searches of ***web content***, in a particular language on the basis of a query in the form of a keyword, phrase or other input ***in many options***, and returns ***result*** in which information related to the ***query*** can be found;

Or. en

Amendment 159

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘***provider of online search engine***’ means ***any natural or legal person which provides, or which offers to provide, online search engines to consumers;***

deleted

Amendment

Or. en

Amendment 160

Jaromír Kohlíček

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘***provider of online search engine***’ means ***any natural or legal person which provides, or which offers to provide, online search engines to consumers;***

deleted

Amendment

Or. en

Amendment 161

Eva Kaili

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘corporate website user’ means any natural or legal person which uses websites to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

Amendment

(7) ‘corporate website user’ means any natural or legal person which uses websites, ***mobile applications or other type of software*** to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

Or. en

Amendment 162

José Blanco López

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘corporate website user’ means any natural or legal person which uses websites to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

Amendment

(7) ‘corporate website user’ means any natural or legal person which uses websites ***or mobile applications*** to offer goods or services to consumers for purposes relating to its trade, business, craft or profession;

Or. es

Amendment 163

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘corporate website user’ means any natural or legal person which uses websites

Amendment

(7) ‘corporate website user’ means any natural or legal person which uses websites

to offer goods or services *to consumers for purposes relating to its trade, business, craft or profession*;

or otherwise connected means to offer goods or services;

Or. en

Justification

While websites are still the main gateway, applications and other means might soon meet the same challenges. As such, it is better to include them now. The last part of the definition was removed as the nature of customers or the intent of the user are irrelevant for the rights and obligations set in this text

Amendment 164

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘ranking’ means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, *or to websites indexed for consumers by online search engines*, as presented, organised or communicated to those consumers by the providers of online intermediation services *or by providers of online search engines, respectively*, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) ‘ranking’ means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services as presented, organised or communicated to those consumers by the providers of online intermediation services irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Amendment 165

Jaromír Kohlíček

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘ranking’ means the relative

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Amendment

(8) ‘ranking’ means the relative

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prominence given to the goods or services offered to consumers by business users through online intermediation services, **or to websites indexed for consumers by online search engines**, as presented, organised or communicated to those consumers by the providers of online intermediation services **or by providers of online search engines, respectively**, irrespective of the technological means used for such presentation, organisation or communication;

prominence given to the goods or services offered to consumers by business users through online intermediation services, as presented, organised or communicated to those consumers by the providers of online intermediation services, irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Justification

In practice, general search is based on machine learning, and each displayed link in its result reflects the current consideration of hundreds of parameters that are different and based on the query and/or relevant to current form of indexed pages catalog.

Amendment 166 **Rolandas Paksas**

Proposal for a regulation **Article 2 – paragraph 1 – point 8**

Text proposed by the Commission

(8) ‘ranking’ means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed for consumers by online search engines, as presented, organised or communicated to those consumers by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) ‘ranking’ means the relative prominence **in search results** given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed for consumers by online search engines, as presented, organised or communicated to those consumers by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Amendment 167

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘ranking’ means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed **for consumers** by online search engines, as presented, organised or communicated **to those consumers** by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Amendment

(8) ‘ranking’ means the relative prominence given to the goods or services offered to consumers by business users through online intermediation services, or to websites indexed by online search engines, as presented, organised or communicated by the providers of online intermediation services or by providers of online search engines, respectively, irrespective of the technological means used for such presentation, organisation or communication;

Or. en

Justification

Indexing a website is not an activity limited to consumers, therefore the reference to consumers’ needs to be removed in order to reflect the factual reality.

Amendment 168

Eva Kaili

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘terms and conditions’ means all terms, conditions, clauses and other information, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users **and are unilaterally determined by the provider of online intermediation services**.

Amendment

(10) ‘terms and conditions’ means all terms, conditions, clauses and other information, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users.

Amendment 169

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘terms and conditions’ means all terms, conditions, clauses and other information, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users **and are unilaterally determined by the provider of online intermediation services**.

Amendment

(10) ‘terms and conditions’ means all terms, conditions, clauses and other information, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users.

Or. en

Justification

The unilateral aspect of ToC is not always evident when the business user can still negotiate some minor aspects.

Amendment 170

Rolandas Paksas

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘terms and conditions’ means all terms, conditions, clauses **and other information**, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users and are unilaterally determined by the provider of online intermediation services.

Amendment

(10) ‘terms and conditions’ means all terms, conditions **and** clauses, irrespective of their name or form, which govern the contractual relationship between the provider of online intermediation services and their business users and are unilaterally determined by the provider of online intermediation services.

Amendment 171
Angelika Mlinar

Proposal for a regulation
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of online intermediation services shall ensure that their terms and conditions:

Amendment

1. Providers of online intermediation services **and online search engines** shall ensure that their terms and conditions:

Or. en

Amendment 172
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 1 – point –a (new)

Text proposed by the Commission

Amendment

(-a) include only fair and proportionate clauses

Or. en

Justification

A healthy market is based on fair competition

Amendment 173
Angelika Mlinar

Proposal for a regulation
Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) are drafted in **clear and unambiguous** language;

(a) are drafted in **plain and intelligible** language;

Amendment 174

Marisa Matias

Proposal for a regulation

Article 3.º – paragraph 1 – point a

Text proposed by the Commission

(a) are drafted in clear and ***unambiguous*** language;

Amendment

(a) are drafted in clear and ***carefully chosen*** language;

Or. pt

Amendment 175

Rolandas Paksas

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) are drafted in clear ***and unambiguous*** language;

Amendment

(a) are drafted in clear language;

Or. en

Amendment 176

Edouard Martin

Proposal for a regulation

Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) are fair and proportionate;

Or. en

Amendment 177

José Blanco López

Proposal for a regulation
Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) are fair;

Or. es

Amendment 178
Angelika Mlinar

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) set out the objective grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

(c) set out the objective grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users, ***including but not restricting to, practices and online security threats that a can cause immediate harm to business users or consumers.***

Or. en

Amendment 179
Edouard Martin

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) set out the objective grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

(c) set out the objective grounds, ***consistent with those terms and conditions,*** for decisions to ***restrict,*** suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Or. en

Amendment 180
Marisa Matias

Proposal for a regulation
Article 3.º – paragraph 1 – point c

Text proposed by the Commission

(c) set out the objective grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Amendment

(c) set out the objective, ***clear and transparent*** grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Or. pt

Amendment 181
Rolandas Paksas

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) set out the ***objective*** grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Amendment

(c) set out the grounds for decisions to suspend or terminate, in whole or in part, the provision of their online intermediation services to business users.

Or. en

Amendment 182
Angelika Mlinar

Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) inform adequately the business users over any additional distribution channels and affiliate programs through which the goods and services offered by

the business users may be distributed.

Or. en

Amendment 183

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. Terms and conditions, or specific provisions thereof, which do not comply with the requirements of paragraph 1 shall not be binding on the business *user* concerned where such non-compliance is established by a competent court.

Amendment

2. Terms and conditions, or specific provisions thereof, which do not comply with the requirements of paragraph 1 shall not be binding on the business *users* concerned where such non-compliance is established by a competent court.

Or. en

Amendment 184

Marisa Matias

Proposal for a regulation

Article 3.^o – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any envisaged modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any envisaged modification of their terms and conditions. ***Notification should be provided by the pre-established deadlines and in line with criteria laid down in the partnership agreements.***

Or. xm

Amendment 185

Rolandas Paksas

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any envisaged modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any envisaged **material** modification of their terms and conditions **that adversely impact the business user**.

Or. en

Amendment 186

Paul Rübiger

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any envisaged modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any envisaged modification of their terms and conditions **that negatively affect them**.

Or. en

Amendment 187

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any **envisaged** modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any **foreseen** modification of their terms and conditions.

Or. en

Amendment 188

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any *envisaged* modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any modification of their terms and conditions.

Or. en

Amendment 189

Jaromír Kohlíček

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall notify to the business users concerned any *envisaged* modification of their terms and conditions.

Amendment

Providers of online intermediation services shall notify to the business users concerned any modification of their terms and conditions.

Or. en

Amendment 190

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least 15 days from the date on which the provider of online intermediation services

Amendment

deleted

notifies the business users concerned about the envisaged modifications.

Or. en

Amendment 191
Rolandas Paksas

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least **15** days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Amendment

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least **7 days and not more than 30** days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Or. en

Justification

It is important that there be some flexibility in the notice period for changes to the terms and conditions.

Amendment 192
Pilar del Castillo Vera

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their

Amendment

If the envisaged modifications are significant these shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged

consequences for the business user concerned. That notice period shall be at least 15 days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

modifications and to their consequences for the business user concerned. That notice period shall be at least 15 days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Or. en

Amendment 193
Marisa Matias

Proposal for a regulation
Article 3.º – paragraph 3 – subparagraph 2

Text proposed by the Commission

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least **15** days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Amendment

The envisaged modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their consequences for the business user concerned. That notice period shall be at least **30** days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Or. pt

Amendment 194
Jaromír Kohlíček

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The *envisaged* modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their

Amendment

The modifications shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged modifications and to their

consequences for the business user concerned. That notice period shall be at least 15 days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

consequences for the business user concerned. That notice period shall be at least 15 days from the date on which the provider of online intermediation services notifies the business users concerned about the envisaged modifications.

Or. en

Justification

It is burdensome to notify any, even envisaged, modifications that might finally not be implemented in reality. Applying such an obligation to already agreed/planned changes is more suitable. Moreover, risk-based approach is highly advisable here.

Amendment 195
Marisa Matias

Proposal for a regulation
Article 3.^o – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The business user concerned may, either by means of a written statement or a clear affirmative action, waive the notice period referred to in the second subparagraph.

deleted

Or. pt

Amendment 196
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The business user concerned may, either by means of a written statement or a clear affirmative action, waive the notice period referred to in the second subparagraph.

deleted

Or. en

Amendment 197

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The business user concerned may, either by means of a written statement or a clear affirmative action, waive the notice period referred to in the second subparagraph.

Amendment

The business user concerned may, either by means of a written statement or a clear affirmative action, ***such as the submission of a new product or service within the said notice period***, waive the notice period referred to in the second subparagraph.

Or. en

Amendment 198

Jaromír Kohlíček

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The business user concerned may, either by means of a written statement or a clear affirmative action, waive the notice period referred to in the second subparagraph.

Amendment

The business user concerned may, either by means of a written statement or a clear affirmative action, waive the notice period referred to in the second subparagraph.
A risk-based approach must generally apply

Or. en

Amendment 199

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. Modifications to terms and

Amendment

4. Modifications to terms and

conditions implemented by a provider of online intermediation services contrary to the provisions of paragraph 3 shall be ***null and void***.

conditions implemented by a provider of online intermediation services contrary to the provisions of paragraph 3 shall be ***suspended and enter into force only after the minimal legal period has lapsed***.

Or. en

Justification

The need to incentivise businesses to have reasonable deadlines should also be proportional and take into account the content of the changes.

Amendment 200 **Angelika Mlinar**

Proposal for a regulation **Article 3 – paragraph 5**

Text proposed by the Commission

5. Paragraph 3 shall not apply where a provider of online intermediation services *is* subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

Amendment

5. Paragraph 3 shall not apply where a provider of online intermediation services ***or online search engine is:***
a) subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3;
b) ***addressing a security or other imminent danger related to the defence of the online intermediation services from fraud, malware, spam, data breaches or other cybersecurity risks.***

Or. en

Amendment 201 **Rolandas Paksas**

Proposal for a regulation **Article 3 – paragraph 5**

Text proposed by the Commission

Amendment

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3 ***or if there is a need to address a new harmful yet not illegal practice or a security issue that could impact the user or the integrity of the platform, provided they clearly notify users of the change and its rationale.***

Or. en

Amendment 202

Eva Kaili

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

Amendment

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation ***or acting to protect the consumer from harmful practices (for example, but not limited to: security issues, fraud, spam, phishing, abuse of consumer data or financial position, illegal and harmful content)*** which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

Or. en

Amendment 203

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions ***in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.***

Amendment

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions.

Or. en

Amendment 204

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

5. Paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

Amendment

5. ***The notice period set out in*** paragraph 3 shall not apply where a provider of online intermediation services is subject to a legal obligation which requires it to modify its terms and conditions in a manner which does not allow it to respect the notice period referred to in the second subparagraph of paragraph 3.

Or. en

Justification

Clarification meant to underline that the notice period can be subject to various legal obligations but the content of the changes is subject to a different set of rules.

Amendment 205

José Blanco López

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

Suspension and termination

Suspension, **delisting** and termination

Or. es

Amendment 206

Eva Kaili

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision.

1. Where a provider of online intermediation services decides to **sanction**, suspend, **delist** or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision. ***In case of any legal obligation or suspicion of exercise of harmful practices by business users against the consumer or the platform, such statement of reasons should not be provided as the information could help maintain or improve the said harmful practices.***

Or. en

Amendment 207

Rolandas Paksas

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall

provide the business user concerned, without undue delay, with a statement of reasons for that decision.

provide the business user concerned, without undue delay, with a statement of reasons for that decision ***that provides appropriate rationale and clarity without compromising the online intermediation service by disclosing information that could be subject to unauthorized use by an outside actor.***

Or. en

Justification

It is necessary to ensure that the online intermediation service should not disclose such information that could be abused by a bad actor.

Amendment 208 **Angelika Mlinar**

Proposal for a regulation **Article 4 – paragraph 1**

Text proposed by the Commission

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, without undue delay, with a statement of reasons for that decision.

Amendment

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall ***notify its intention to the business user concerned at least 15 days before implementation and*** provide the business user concerned, without undue delay, with a statement of reasons for that decision.

Or. en

Amendment 209 **José Blanco López**

Proposal for a regulation **Article 4 – paragraph 1**

Text proposed by the Commission

1. Where a provider of online

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Amendment

1. Where a provider of online

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intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall **provide** the business user concerned, **without undue delay**, with a statement of reasons for that decision.

intermediation services decides to suspend, **delist** or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall **inform** the business user concerned **15 days beforehand, and provide the business user** with a statement of reasons for that decision.

Or. es

Amendment 210
Marisa Matias

Proposal for a regulation
Article 4.º – paragraph 1

Text proposed by the Commission

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned, **without undue delay**, with a statement of reasons for that decision.

Amendment

1. Where a provider of online intermediation services decides to suspend or terminate, in whole or in part, the provision of its online intermediation services to a given business user, it shall provide the business user concerned with a statement of reasons for that decision **and a clear indication of the date that the suspension or termination will take effect.**

Or. pt

Amendment 211
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. **The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the**

Amendment

deleted

applicable objective ground or grounds for that decision referred to in Article 3(1)(c).

Or. en

Amendment 212
Marisa Matias

Proposal for a regulation
Article 4.^o – paragraph 2

Text proposed by the Commission

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable objective ground or grounds for that decision referred to in Article 3(1)(c).

Amendment

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable objective ground or grounds for that decision referred to in Article 3(1)(c). ***The company shall also be able to change the situation or reasons which prompted the decision by the online platform.***

Or. xm

Amendment 213
Rolandas Paksas

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable ***objective*** ground or grounds for that decision referred to in Article 3(1)(c).

Amendment

2. The statement of reasons referred to in paragraph 1 shall contain a reference to the specific facts or circumstances that led to the decision of the provider of online intermediation services, as well as a reference to the applicable ground or grounds for that decision referred to in Article 3(1)(c).

Amendment 214

Rolandas Paksas

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In case the intermediation services provider is subject to a legal obligation, or if providing the specific facts or circumstances could limit the intermediation services provider's ability to protect the consumer or the intermediation services against a business users harmful practice, it will be exempt from providing such information.

Or. en

Justification

It is necessary to ensure that the online intermediation service should not disclose such information that could be abused by a bad actor.

Amendment 215

José Blanco López

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The provisions set out in paragraphs 1 and 2 of this Article shall not apply in the event that the suspension, exclusion or termination derives from a legal obligation imposed on the provider of intermediation services.

Or. es

Amendment 216

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Termination and suspension shall be, where possible and proportionate, preceded by a notification and opportunity to clarify or re-establish compliance.

Or. en

Justification

In some cases, notification might be the proportionate answer to an action, therefore the existence of such possibility shall be incentivised.

Amendment 217

José Blanco López

Proposal for a regulation

Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. A provider of online intermediation services may not take measures or act in a way that makes it difficult or impossible for consumers to access the services offered by a company with a valid contract with the service provider unless:

(a) the company concerned is providing services which are against the applicable law;

(b) the company concerned has breached the current contract with the provider of online intermediation services.

Or. es

Amendment 218
Jaromír Kohlíček

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

These obligations do not apply to situation to professional users are trying to circumvent established rules, principles and algorithms in order to harm service providers and/or gain advantage over other professional users of the service concerned.

Or. en

Justification

It is crucial to guarantee intermediation services providers the right to actively fight against any attempt to misuse or bypass established rules, principles and algorithms of their services. If the providers are obliged to inform attackers or spammers about suspension or termination of their presence/practice within the service concerned they will only provide them with the notion (warning) that they are able to find/identify them. And thus, to advise them to change their current practice and tools.

Amendment 219
José Blanco López

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Providers of online intermediation services ***and providers of online search engines*** shall set out ***clearly and unambiguously*** in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.

Or. es

Amendment 220
Jaromír Kohlíček

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining **ranking and the reasons for the relative importance of those main parameters as opposed to other parameters.**

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining.

Or. en

Amendment 221
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking **and the reasons for the relative importance of those main parameters as opposed to other parameters.**

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking.

Or. en

Amendment 222
Eva Kaili

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions

Amendment

Providers of online intermediation services shall set out in their terms and conditions

the main parameters determining ranking
*and the reasons for the relative
importance of those main parameters as
opposed to other parameters.*

the main parameters determining ranking.

Or. en

Amendment 223
Rolandas Paksas

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking *and the reasons for the relative importance of those main parameters as opposed to other parameters.*

Amendment

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking.

Or. en

Amendment 224
Angelika Mlinar

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for *the relative importance of those main parameters as opposed to other parameters.*

Amendment

Providers of online intermediation services *and online search engines* shall set out in their terms and conditions the main parameters determining ranking and the reasons for *their use.*

Or. en

Amendment 225
Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall set out in their terms and conditions the *main* parameters determining ranking and the reasons for the relative importance of those *main parameters as opposed to other* parameters.

Amendment

Providers of online intermediation services shall set out in their terms and conditions the parameters determining ranking and the reasons for the relative importance of those parameters.

Or. en

Justification

As a rule all parameters should be clear to those entering a contract. If there are reasons for exceptions those should be determined below and clearly indicated

Amendment 226

Marisa Matias

Proposal for a regulation

Article 5.º – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the provider of online intermediation services concerned, that provider of online intermediation services shall also include in its terms and conditions a description of those possibilities and of the effects of such remuneration on ranking.

Amendment

deleted

Or. pt

Amendment 227

Eva Kaili

Proposal for a regulation

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Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the provider of online intermediation services concerned, that provider of online intermediation services shall also include in its terms and conditions a description of those possibilities and of the effects of such remuneration on ranking.

Amendment

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the provider of online intermediation services concerned, that provider of online intermediation services shall also include in its terms and conditions a description of those possibilities and of the effects of such remuneration on ranking. ***When ranking is influenced against remuneration, the consumers shall receive clear and unambiguous information regarding sponsored products or services.***

Or. en

Amendment 228

José Blanco López

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the ***provider of online intermediation services*** concerned, that provider of online intermediation services shall also include in its terms and conditions a description of those possibilities and of the effects of such remuneration on ranking.

Amendment

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the ***service provider*** concerned, that provider of online intermediation services shall also include in its terms and conditions a description of those possibilities and of the effects of such remuneration on ranking.

Or. es

Amendment 229

Jaromír Kohlíček

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the provider of online intermediation services concerned, that provider of online intermediation services shall ***also include in its terms and conditions*** a description of those possibilities and of the effects of such remuneration on ranking.

Amendment

Where those main parameters include the possibility to influence ranking against any direct or indirect remuneration paid by business users to the provider of online intermediation services concerned, that provider of online intermediation services shall ***provide users with*** a description of those possibilities and of the effects of such remuneration on ranking.

Or. en

Justification

While the call for open information on the possibility to influence ranking against any direct or indirect remuneration (in case of vertical/intermediary services), these do not have to be necessarily part of the Terms and Conditions. It shall be left on providers responsibility when and where to publish it.

Amendment 230
Marisa Matias

Proposal for a regulation
Article 5.º – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Offering payment in return for a change in the ranking of a service should be possible only if the aim is to change the ranking of advertisements for the service, but not its actual ranking.

Or. pt

Amendment 231
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation

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Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

When displaying the results, the online intermediation service shall disclose close to each ranking whether it has been influenced against direct or indirect remuneration, contractual or direct ownership relations.

Or. en

Justification

It is important for businesses and consumers to have the proper information on the way the ranking was created.

Amendment 232

Marisa Matias

Proposal for a regulation

Article 5.º – paragraph 2

Text proposed by the Commission

Amendment

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date. **deleted**

Or. pt

Amendment 233

Jaromír Kohlíček

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.* *deleted*

Or. en

Amendment 234
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.* *deleted*

Or. en

Amendment 235
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Providers of online search engines shall set out *for corporate website users the main* parameters determining ranking, by providing an easily and publicly

2. Providers of online search engines shall set out *the* parameters determining ranking *of all indexed websites and the reasons for the relative importance of*

available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.

those parameters, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date. ***By exception, in cases where the disclosure of all parameters would be against fair, reasonable and proportionate practices, only main parameters shall be always presented in detail.***

Or. en

Justification

Following up on the first paragraph, an exception is introduced here to ensure the proportionality. Also it is clarified that transparency is a general obligation thus removing additional steps that a provider of a search engine would have to take if we introduce different transparency requirements based on the users that access that engine.

Amendment 236

Michał Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.

Amendment

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date ***with regard to material changes that can reasonably be expected to affect corporate website users in substantive and having a negative result.***

Or. en

Amendment 237

José Blanco López

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in clear and unambiguous language on the online search engines of those providers. They shall keep that description up to date.

Amendment

(Does not affect the English version.)

Or. es

Amendment 238
Angelika Mlinar

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in ***clear and unambiguous*** language on the online search engines of those providers. They shall keep that description up to date.

Amendment

2. Providers of online search engines shall set out for corporate website users the main parameters determining ranking, by providing an easily and publicly available description, drafted in ***plain and intelligible*** language on the online search engines of those providers. They shall keep that description up to date.

Or. en

Amendment 239
Eva Kaili

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The outlining of the main parameters that determine ranking should

be carried out by the provider bearing into consideration and taking all the necessary measures to protect against harmful practices exercised by business users resulting in ranking manipulation, including but limited to fake reviews and comments.

Or. en

Amendment 240
Jaromír Kohlíček

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, the ranking mechanism takes account of the following:

deleted

(a) the characteristics of the goods and services offered to consumers through the online intermediation services or the online search engine;

(b) the relevance of those characteristics for those consumers;

(c) as regards online search engines, the design characteristics of the website used by corporate website users.

Or. en

Amendment 241
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether, and if so how and to what extent, the ranking mechanism takes account of the following:

deleted

(a) the characteristics of the goods and services offered to consumers through the online intermediation services or the online search engine;

(b) the relevance of those characteristics for those consumers;

(c) as regards online search engines, the design characteristics of the website used by corporate website users.

Or. en

Amendment 242

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the **business users or corporate website users** to obtain an adequate understanding of whether, and if so how and to what extent, the ranking mechanism takes account of the following:

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the **public** to obtain an adequate understanding of whether, and if so how and to what extent, the ranking mechanism takes account of the following:

Or. en

Justification

Change needed to align the text with the previous paragraphs.

Amendment 243
Rolandas Paksas

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether, ***and if so how and to what extent***, the ranking mechanism takes account of the following:

Amendment

3. The descriptions referred to in paragraphs 1 and 2 shall be sufficient to enable the business users or corporate website users to obtain an adequate understanding of whether the ranking mechanism takes account of the following:

Or. en

Amendment 244
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 3 – point c

Text proposed by the Commission

(c) as regards online search engines, the design characteristics of the website ***used by corporate website users***.

Amendment

(c) as regards online search engines, the design characteristics of the website ***indexed***.

Or. en

Justification

Change needed to align the text with the previous paragraphs

Amendment 245
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. ***Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.***

4. This Article ***shall be without prejudice to*** Directive (EU) 2016/943.

Or. en

Justification

Clarification needed to ensure that the Directive still applies.

Amendment 246
Paul Rübiger

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

Amendment

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 ***nor any information which threatens consumer protection from unfair online practices by business users or corporate business users.***

Or. en

Justification

Platforms, no matter small or big, shall not reveal any information which leads to consumer harm done by rogue internet actors trying to game the algorithm to promote harmful online content (spam, pornography, scam, malware, illegal streaming websites, etc.).

Amendment 247
Jaromír Kohlíček

Proposal for a regulation
Article 5 – paragraph 4

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Text proposed by the Commission

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

Amendment

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 ***nor any other business sensitive information that determine their competitive advantage.***

Or. en

Justification

Trade secrets shall be protected as they determine competitive advantage of platforms. However, sources of competitive advantage also include other business sensitive elements (e.g. same signals incorporated into algorithms might be weighed differently by providers offering the same online service). It is necessary to protect those business sensitive information also.

Amendment 248

Eva Kaili

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

Amendment

4. Providers of online intermediation services and providers of online search engines shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 ***nor any business sensitive information that could undermine the provider's position.***

Or. en

Amendment 249

Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services **and providers of online search engines** shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943.

Amendment

4. Providers of online intermediation services shall, when complying with the requirements of this Article, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 **nor any other business sensitive information that determine their competitive advantage.**

Or. en

Justification

Trade secrets shall be protected as they determine competitive advantage of platforms. However, sources of competitive advantage also include other business sensitive elements (e.g. same signals incorporated into algorithms might be weighed differently by providers offering the same online service).

Amendment 250
Paul Rübige

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Providers of online intermediation services and providers of online search engines shall designate at least one spokesperson, who is responsible for the policy related to rankings within the provider including development, review and oversight. Online intermediation services shall make the contact details of this spokesperson available to business users.

Or. en

Amendment 251
Eva Kaili

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Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Compliance with this article shall be carried out by the provider bearing into consideration and taking all the necessary measures to protect against harmful practices exercised by business users resulting in ranking manipulation and consumer deception.

Or. en

Amendment 252
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Providers of online intermediation services shall make sure that information revealed under this Article does not result in a consumer harm following manipulation of ranking by business users.

Or. en

Justification

Obligations regarding ranking transparency shall not force online intermediation services to reveal any information that could result in business users being able to game the ranking. This could result in consumers being exposed to potentially harmful and dangerous online content (spam and phishing attempts, scams, malware, etc.).

Amendment 253
Jaromír Kohlíček

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Providers of online intermediation services shall make sure that information revealed under this Article does not result in a consumer harm following manipulation of ranking by business users.

Or. en

Justification

Obligations regarding ranking transparency shall not force online intermediation services to reveal any information that could result in business users being able to game the ranking. This could result in consumers being exposed to potentially harmful and dangerous online content (spam and phishing attempts, scams, malware, etc.).

Amendment 254

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph –1 (new)

Text proposed by the Commission

Amendment

-1. In relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users, providers of online intermediation services shall use proportionate, fair and transparent practices.

Or. en

Justification

Gatekeepers are entitled to benefit from their activity but the general public interest require that competition is unharmed by discretionary practices. As setting detailed rules here would be contrary to future proofing the law, indicating the application of principles is an incentive for the proper market function.

Amendment 255
Marisa Matias

Proposal for a regulation
Article 6.º – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users. ***Practices known as ‘price parity clauses’ or ‘most favoured customer clauses’ which force business users to offer their lowest rate on a given online platform, whether a rate lower than that offered on any other platform or the lowest rate stipulated on their website. Those clauses distort competition and unfairly give companies a monopoly or oligopoly.***

Or. pt

Amendment 256
Eva Kaili

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give ***in accordance with articles 101 and 102 of TFEU***, in relation to, on the

through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users. ***Providers should also refrain from engaging in unfair commercial practices, that deviate from good commercial conduct.***

Or. en

Amendment 257
José Blanco López

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through ***those online intermediation services*** by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Amendment

1. Providers of online intermediation services ***and providers of online search engines*** shall include in their terms and conditions a ***clear, unequivocal*** description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through ***them*** by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Or. es

Amendment 258
Rolandas Paksas

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of any

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of any

differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

material differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation services by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Or. en

Amendment 259
Anna Záborská

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Providers of online search engines shall include in their terms and conditions a description of any differentiated treatment which they give, or may give, in relation to, on the one hand, goods or services offered to consumers through those online intermediation search engines, by either that provider itself or any business users which that provider controls and, on the other hand, other business users.

Preferential treatment in search results of goods and services offered by the provider of online search engine itself or any business user which that provider controls is prohibited, unless it is granted under the conditions that apply to all business users.

Or. en

Amendment 260
José Blanco López

Proposal for a regulation
Article 6 – paragraph 1 a (new)

1a. Providers of online intermediation and online search engines shall be obliged to allow consumers to select which good or service to use as default when the consumer uses the online service for the first time. They must also enable consumers to quickly and easily change their preferences for goods or services used as default. They shall also be obliged to enable customers to refrain from choosing any default option.

Or. es

Amendment 261
José Blanco López

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The description referred to in paragraph 1 shall cover at least, where applicable, any differentiated treatment through specific measures taken by, or the behaviour of, the provider of the online intermediation services relating to any of the following:

2. The description referred to in paragraph 1 shall cover at least, where applicable, any differentiated treatment through specific measures taken by, or the behaviour of, the provider of the online intermediation services **or the online search engine** relating to any of the following:

Or. es

Amendment 262
José Blanco López

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) access that the provider, or that the business users which that provider

(a) access that the provider, **the search engine** or that the business users which that

controls, may have to any personal data or other data, or both, which business users or consumers provide for the use of the **online intermediation** services concerned or which are generated through the provision of those services;

provider controls, may have to any personal data or other data, or both, which business users or consumers provide for the use of the services concerned or which are generated through the provision of those services;

Or. es

Amendment 263
José Blanco López

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) any direct or indirect remuneration charged for the use of the online intermediation services concerned;

Amendment

(c) any direct or indirect remuneration charged for the use of the online intermediation services, **or online search engine** concerned;

Or. es

Amendment 264
José Blanco López

Proposal for a regulation
Article 6 – paragraph 2 – point d

Text proposed by the Commission

(d) access to, or conditions for use of, services that are directly connected or ancillary to the online intermediation services concerned.

Amendment

(d) access to, or conditions for use of, services that are directly connected or ancillary to the online intermediation services **or online search engine services** concerned.

Or. es

Amendment 265
Paul Rübiger

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *An online intermediation service shall not engage in an unfair commercial practice. A practice shall constitute an unfair commercial practice if it grossly deviates from good commercial conduct and is contrary to good faith and fair dealing, having regard to any situation of imbalance between the online intermediary and a business user. In relation to the inclusion of contractual terms, account shall be taken of the extent to which a business user was able to individually negotiate terms of access to the online intermediation service, and the extent to which those terms excessively shape the business relationship to favour exclusively the online intermediation service's own economic interests.*

Or. en

Amendment 266

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *When displaying the results, the online intermediation service shall disclose close to each product or service to which it gave differentiated treatment, in a well recognisable manner whether it has been influenced against direct or indirect remuneration, contractual or direct ownership relationships.*

Or. en

Justification

As online intermediation service also apply ranking criteria, transparency provisions need to mirror the ones form search engines.

Amendment 267

Anna Záborská

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The data referred to in paragraphs 2a and 2b shall be provided in aggregate form and in machine readable commonly used and standardised format.

Or. en

Amendment 268

Eva Kaili

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

1. Providers of online intermediation services ***or online search engines*** shall include in their ***respective interface the an option for the consumer, explained in clear and unambiguous language, to opt in and share personal data with third parties beyond what is set out in their privacy policies.*** terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services ***or online search engines*** concerned or which are generated through the provision of those services.

Amendment 269
José Blanco López

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

Amendment

1. Providers of online intermediation services **or providers of search engines** shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services **or online search engines** concerned or which are generated through the provision of those services.

Or. es

Amendment 270
Julia Reda
 on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

Amendment

1. Providers of online intermediation services **and online search engines** shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users, **corporate website users** or consumers provide for the use of the online intermediation services **or online search engines** concerned or which are generated through the provision of those services.

Justification

Text adjusted to reflect that online search engines are also subject to all transparency requirements.

Amendment 271
Angelika Mlinar

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services.

Amendment

1. Providers of online intermediation services **or online search engines** shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services **or the online search engine** concerned or which are generated through the provision of those services.

Or. en

Amendment 272
Angelika Mlinar

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which

Amendment

1. Providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services

are generated through the provision of those services.

concerned or which are generated through the provision of those services.

Or. en

Amendment 273
José Blanco López

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Through the description referred to in paragraph 1, providers of online intermediation services shall adequately inform business users at least of the following:

Amendment

2. Through the description referred to in paragraph 1, providers of online intermediation services **or providers of *online search engines*** shall adequately inform business users at least of the following:

Or. es

Amendment 274
Eva Kaili

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Through the description referred to in paragraph 1, providers of online intermediation services shall adequately inform business users at least of the following:

Amendment

2. Through the description referred to in paragraph 1, providers of online intermediation services **or *online search engines*** shall adequately inform business users at least of the following:

Or. en

Amendment 275
Angelika Mlinar

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Through the description referred to in paragraph 1, providers of online intermediation services shall adequately inform business users at least of the following:

Amendment

2. Through the description referred to in paragraph 1, providers of online intermediation services **or online search engine** shall adequately inform business users at least of the following:

Or. en

Amendment 276

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Through the description referred to in paragraph 1, providers of online intermediation services shall adequately inform **business users** at least of the following:

Amendment

2. Through the description referred to in paragraph 1, providers of online intermediation services **or online search engines** shall adequately inform **the public** at least of the following:

Or. en

Justification

Transparency provision updated to lessen the administrative burden

Amendment 277

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) whether the provider of online intermediation services has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are

Amendment

(a) whether the provider of online intermediation services **or online search engines** has access to personal data or other data, or both, which business **users, corporate website** users or consumers

generated through the provision of those services, and if so, to which categories of such data and under what conditions;

provide for the use of those services or which are generated through the provision of those services, and if so, to which categories of such data and under what conditions;

Or. en

Justification

Change needed to align the text with the previous paragraphs

Amendment 278 **José Blanco López**

Proposal for a regulation **Article 7 – paragraph 2 – point a**

Text proposed by the Commission

(a) whether the provider of online intermediation services has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are generated through the provision of those services, and if so, to which categories of such data and under what conditions;

Amendment

(a) whether the provider of online intermediation services ***or the online search engine provider*** has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are generated through the provision of those services, and if so, to which categories of such data and under what conditions;

Or. es

Amendment 279 **Eva Kaili**

Proposal for a regulation **Article 7 – paragraph 2 – point a**

Text proposed by the Commission

(a) whether the provider of online intermediation services has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are generated through the provision of those

Amendment

(a) whether the provider of online intermediation services ***or online search engine*** has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are generated through the

services, and if so, to which categories of such data and under what conditions;

provision of those services, and if so, to which categories of such data and under what conditions;

Or. en

Amendment 280
Angelika Mlinar

Proposal for a regulation
Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) whether the provider of online intermediation services has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are generated through the provision of those services, and if so, to which categories of such data and under what conditions;

Amendment

(a) whether the provider of online intermediation services **or online search engine** has access to personal data or other data, or both, which business users or consumers provide for the use of those services or which are generated through the provision of those services, and if so, to which categories of such data and under what conditions;

Or. en

Amendment 281
José Blanco López

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Amendment

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services **or online search engines** concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Amendment 282

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Amendment

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services **or online search engines** concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Or. en

Justification

Change needed to align the text with previous paragraphs

Amendment 283

Eva Kaili

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data

Amendment

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services **or online search engine** concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories

and under what conditions;

of such data and under what conditions;

Or. en

Amendment 284

Angelika Mlinar

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Amendment

(b) whether a business user has access to personal data or other data, or both, provided by that business user in connection to his or her use of the online intermediation services ***or online search engine*** concerned or generated through the provision of those services to that business user and the consumers of his or her goods or services, and if so, to which categories of such data and under what conditions;

Or. en

Amendment 285

José Blanco López

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Amendment

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services ***or online search engines*** to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Or. es

Amendment 286
Angelika Mlinar

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Amendment

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services **or the online search engine** to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Or. en

Amendment 287
Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Amendment

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services **or online search engines** to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Or. en

Justification

Change needed to align the text with the previous paragraphs

Amendment 288

Eva Kaili

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Amendment

(c) whether, in addition to point (b), a business user has access to personal data or other data, or both, including in aggregated form, provided by or generated through the provision of the online intermediation services **or search engines** to all of the business users and consumers thereof, and if so, to which categories of such data and under what conditions.

Or. en

Amendment 289

Edouard Martin

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Notwithstanding the provisions of paragraphs 1 and 2, and with due respect of Regulation 2016/679 (GDPR), providers of online intermediated services, facilitating the contracting between the business user and the consumer, shall transmit the relevant contact data of the consumer to the business user, if the consumer gives explicit consent.

Or. en

Amendment 290

Angelika Mlinar

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Business users shall have access to all the data acquired by the provider of online intermediation services or online search engines as a result of their commercial activity of those business users, in line with the relevant Union law applicable to the protection of personal data and privacy.

Or. en

Amendment 291

Eva Kaili

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The online intermediation service provider and the search engine provider shall not share for commercial purposes with third parties, even within their corporate structure, data generated by the transactions of business users without their explicit consent.

Or. en

Amendment 292

José Blanco López

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Providers of online intermediation services or providers of online search engines may not disclose data generated by the transactions of a business user to third parties for commercial purposes

without the consent of the business user.

Or. es

Amendment 293

Eva Kaili

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Where, in the provision of their services, providers of online intermediation services restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than through those services, ***they shall include grounds for that restriction in their terms and conditions and make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions.***

Amendment

1. Where, in the provision of their services, providers of online intermediation services ***shall not*** restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than through those services.

Or. en

Amendment 294

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Where, in the provision of their services, providers of online intermediation services restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than through those services, they shall include grounds for that restriction in their terms and conditions and

Amendment

1. Where, in the provision of their services, providers of online intermediation services restrict the ability of business users to offer the same goods and services to consumers under different conditions through other means than through those services, they shall include grounds for that restriction in their terms and conditions and

make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions.

make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions. ***The restrictions shall be proportionate, temporary and represent a legitimate interest of the provider.***

Or. en

Justification

As exceptional measures, limitations should be proportionate and temporary.

Amendment 295 **Jaromír Kohlíček**

Proposal for a regulation **Article 8 – paragraph 1**

Text proposed by the Commission

1. Where, in the provision of their services, providers of online intermediation services ***restrict the ability of*** business users to ***offer*** the same goods and services ***to consumers under different conditions through other means than through those services***, they shall include grounds for that restriction in their terms and conditions and make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions.

Amendment

1. Where, in the provision of their services, providers of online intermediation services ***establish obligation for*** business users to ***provide them with*** the same ***conditions for*** goods and services ***as they have at their homepage***, they shall include grounds for that restriction in their terms and conditions and make those grounds easily available to the public. Those grounds shall include the main economic, commercial or legal considerations for those restrictions.

Or. en

Amendment 296 **José Blanco López**

Proposal for a regulation **Article 9 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Providers of online intermediation services

PE627.905v01-00

Amendment

Providers of online intermediation services

AM\1163319EN.docx

146/175

shall provide for an internal system for handling the complaints of business users.

or providers of online search engines shall provide for an internal system for handling the complaints of business users.

Or. es

Amendment 297

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The internal complaint-handling system shall be based on principles of equal treatment and its use shall not lead to any detrimental treatment of the business user.

Or. en

Justification

As any disagreement can lead to punitive measures it is desirable that there are safeguards to prevent that.

Amendment 298

José Blanco López

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

That internal complaint-handling system shall be easily accessible for business users. It shall allow them to lodge complaints directly with the provider concerned regarding any of the following issues:

That internal complaint-handling system shall be easily accessible for business users. It shall allow them to lodge complaints directly with the provider concerned regarding any of the following issues, *among others*:

Or. es

Amendment 299
Jaromír Kohlíček

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

That internal complaint-handling system shall ***be easily accessible for*** business users. ***It shall allow them*** to lodge complaints directly with the provider concerned regarding any of the following issues:

Amendment

That internal complaint-handling system shall ***allow*** business users to lodge complaints directly with the provider concerned regarding any of the following issues:

Or. en

Justification

Offering tools for business users to allow them to lodge complain should be supported, but not providing any third party with an access to the internal complaint-handling system.

Amendment 300
José Blanco López

Proposal for a regulation
Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. As part of their internal complaint-handling system, providers of online intermediation services shall:

Amendment

2. As part of their internal complaint-handling system, providers of online intermediation services ***or providers of online search engines*** shall:

Or. es

Amendment 301
Eva Kaili

Proposal for a regulation
Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) duly consider complaints lodged and the follow-up which they may need to give to the complaint in order to adequately address the issue raised, ***in a*** manner which is proportionate to the importance and complexity of that issue;

Amendment

(a) duly consider complaints lodged and the follow-up which they may need to give to the complaint in order to adequately address the issue raised; ***in a timely*** manner, which is proportionate to the importance, ***timing*** and complexity of that issue;

Or. en

Amendment 302

Eva Kaili

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) communicate to the complainant the outcome of the internal complaint-handling process, ***in an individualised manner and drafted in clear and unambiguous language.***

Amendment

(c) communicate to the complainant the outcome of the internal complaint-handling process.

Or. en

Amendment 303

Angelika Mlinar

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) communicate to the complainant the outcome of the internal complaint-handling process, in an individualised manner and drafted in ***clear and unambiguous*** language.

Amendment

(c) communicate to the complainant the outcome of the internal complaint-handling process, in an individualised manner and drafted in ***plain and intelligible*** language.

Or. en

Amendment 304
Rolandas Paksas

Proposal for a regulation
Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) communicate to the complainant the outcome of the internal complaint-handling process, ***in an individualised manner*** and drafted in clear and unambiguous language.

Amendment

(c) communicate to the complainant the outcome of the internal complaint-handling process and drafted in clear and unambiguous language.

Or. en

Amendment 305
José Blanco López

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall include in their terms and conditions all relevant information relating to the access to and functioning of their internal complaint-handling system.

Amendment

3. Providers of online intermediation services ***and providers of search engines*** shall include in their terms and conditions all relevant information relating to the access to and functioning of their internal complaint-handling system.

Or. es

Amendment 306
Jaromír Kohlíček

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall ***include in their terms and conditions*** all relevant information relating ***to the access to and functioning of their***

Amendment

3. Providers of online intermediation services shall ***provide business users with*** all relevant information relating ***complaints lodging***.

internal complaint-handling system.

Or. en

Justification

It is excessive to provide business users with information about access and functioning of internal complaint-handling system.

Amendment 307
Jaromír Kohlíček

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. Providers of online intermediation services shall annually establish and make easily available to the public information on the functioning and effectiveness of their internal complaint-handling system. **deleted**

That information shall include the total number of complaints lodged, the subject-matter of the complaints, the time period needed to process the complaints and the decision taken on the complaints.

Or. en

Justification

Publishing annual complaint-handling reports can lead to situation where fair and responsible companies that are openly and transparently informing on their processes and complaints handling might be confronted with less quality (worked out) reports on their competitors and thus seen by more problematic ones by business users. Their openness can in the end turn against them. Secondly, such reports would be very general, reflecting data and privacy protection rules. Thirdly, what is the expected added value of such reports. And who are the addressees anyway? Business users, public authorities, or competitors? Finally, it is a new administrative obligation – or burden levied on platforms.

Amendment 308
José Blanco López

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall annually establish and make easily available to the public information on the functioning and effectiveness of their internal complaint-handling system.

Amendment

Providers of online intermediation services **and providers of online search engines** shall annually establish and make easily available to the public information on the functioning and effectiveness of their internal complaint-handling system. **They must also provide detailed information concerning these aspects at the request of the Commission or the relevant national authorities.**

Or. es

Amendment 309
Rolandas Paksas

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall annually establish and make easily available to the public information on the functioning **and effectiveness** of their internal complaint-handling system.

Amendment

Providers of online intermediation services shall annually establish and make easily available to the public information on the **types of problems that business users face on their online intermediation service and the general** functioning of their internal complaint-handling system.

Or. en

Amendment 310
Eva Kaili

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That information shall include the total number of complaints lodged, the subject-

deleted

Amendment

matter of the complaints, the time period needed to process the complaints and the decision taken on the complaints.

Or. en

Amendment 311

Rolandas Paksas

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That information shall include *the total number of complaints lodged, the subject-matter of the complaints, the time period needed to process the complaints and the decision taken on the* complaints.

Amendment

That information shall include *relevant and non-proprietary information, such as the rates of successfully resolved* complaints. *Providers of online intermediation services shall, when complying with the requirements of this paragraph, not be required to disclose any trade secrets as defined in Article 2(1) of Directive (EU) 2016/943 or any information where a legal or confidentiality obligation, does not allow them to do so or any information that may lead to consumer harm.*

Or. en

Amendment 312

José Blanco López

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That information shall include the total number of complaints lodged, the subject-matter of the complaints, the time period needed to process the complaints and the decision taken on the complaints.

Amendment

That information shall include, *among other aspects*, the total number of complaints lodged, the subject-matter of the complaints, the time period needed to process the complaints and the decision taken on the complaints.

Amendment 313
Rolandas Paksas

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services **shall** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Amendment

Independent mediation shall be voluntary and used only after redress options within the internal complaint-handling system have been exhausted. Providers of online intermediation services **may** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. en

Justification

Mediation should be a voluntary process if internal complaints handling is exhausted and there is appropriate materiality to the claims.

Amendment 314
Eva Kaili

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall identify in their terms and conditions **one or more** mediators with which they are

Amendment

Providers of online intermediation services shall identify in their terms and conditions **a list of** mediators, **out of a list**

willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

of specialized mediators compiled by the Platform Observatory, with which they are willing to engage *on a voluntary basis*, to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. en

Amendment 315
José Blanco López

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Amendment

Providers of online intermediation services *and providers of online search engines* shall identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. es

Amendment 316
Jaromír Kohlíček

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services **shall** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Amendment

Providers of online intermediation services **could** identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. en

Amendment 317

Anna Záborská

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of online intermediation services shall identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of **any** disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned, **including complaints** that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Amendment

Providers of online intermediation services shall identify in their terms and conditions one or more mediators with which they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of disputes between the provider and the business user arising in relation to the provision of the online intermediation services concerned that could not be resolved by means of the internal complaint-handling system referred to in Article 9.

Or. en

Amendment 318

Eva Kaili

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Providers of online intermediation services may **only** identify mediators providing their mediation services from a location outside the Union ***where it is ensured that the business users concerned are not effectively deprived of the benefit of any legal safeguards laid down in Union law or the law of the Member States as a consequence of the mediators providing those services from outside the Union.***

Amendment

Providers of online intermediation services may **not** identify mediators providing their mediation services from a location outside the Union.

Or. en

Amendment 319
José Blanco López

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Providers of online intermediation services may only identify mediators providing their mediation services from a location outside the Union where it is ensured that the business users concerned are not effectively deprived of the benefit of any legal safeguards laid down in Union law or the law of the Member States as a consequence of the mediators providing those services from outside the Union.

Amendment

Providers of online intermediation services ***and providers of online search engines*** may only identify mediators providing their mediation services from a location outside the Union where it is ensured that the business users concerned are not effectively deprived of the benefit of any legal safeguards laid down in Union law or the law of the Member States as a consequence of the mediators providing those services from outside the Union.

Or. es

Amendment 320
Jaromír Kohlíček

Proposal for a regulation

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. The mediators referred to in paragraph 1 shall meet the following requirements:

Amendment

2. ***If established by intermediary service providers*** the mediators referred to in paragraph 1 shall meet the following requirements:

Or. en

Amendment 321

Marisa Matias

Proposal for a regulation

Article 10.^o – paragraph 2 – point b

Text proposed by the Commission

(b) their mediation services are ***affordable*** for an average business user of the online intermediation services concerned;

Amendment

(b) their mediation services are ***financially and technically accessible*** for an average business user of the online intermediation services concerned;

Or. pt

Amendment 322

José Blanco López

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Amendment

3. Providers of online intermediation services ***and providers of online search engines*** shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. es

Amendment 323
Angelika Mlinar

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Amendment

3. Providers of online intermediation services **and business users** shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. en

Amendment 324
Eva Kaili

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Amendment

3. Providers of online intermediation **and business users** services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. en

Amendment 325
Rolandas Paksas

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Amendment

3. Providers of online intermediation services **and business users** shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators which they identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. en

Amendment 326
Anna Záborská

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Providers of online intermediation services shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators **which they** identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Amendment

3. Providers of online intermediation services **and business users** shall engage in good faith in any attempt to reach an agreement through the mediation of any of the mediators identified in accordance with paragraph 1, with a view to reaching an agreement on the settlement of the dispute.

Or. en

Amendment 327
Eva Kaili

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by

taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. However, providers of online intermediation services shall *in any case* bear at least half of the total cost.

taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. However, providers of online intermediation services shall bear at least half of the total cost, *in case the business user constitutes a small enterprise, in line with the relevant provisions of Commission Recommendation 2003/361/EC and provided that the business user has not acted previously in bad faith, or repeatedly brought forward cases not leading to agreement of the dispute, according to the mediator.*

Or. en

Amendment 328
José Blanco López

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. However, providers of online intermediation services shall in any case bear at least half of the total cost.

Amendment

4. Providers of online intermediation services *and providers of online search engines* shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. However, providers of online intermediation services *and providers of online search engines* shall in any case bear at least half of the total cost.

Or. es

Amendment 329
Jaromír Kohlíček

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services **shall** bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. **However, providers of online intermediation services shall in any case bear at least half of the total cost.**

Amendment

4. Providers of online intermediation services **could** bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another.

Or. en

Justification

The amount of the cost of mediation and the sharing of such costs between the parties concerned must be the result of the latter's agreement, not the subject-matter of the European regulation

Amendment 330
Angelika Mlinar

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by

taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. ***However, providers of online intermediation services shall in any case bear at least half of the total cost.***

taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another.

Or. en

Amendment 331
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. ***However, providers of online intermediation services shall in any case bear at least half of the total cost.***

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case ***when the complaint has a legal basis or is upheld.*** A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another.

Or. en

Amendment 332
Rolandas Paksas

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, the conduct of the parties, as well as the size and financial strength of the parties relative to one another. **However, providers of online intermediation services shall in any case bear at least half of the total cost.**

Amendment

4. Providers of online intermediation services shall bear a reasonable proportion of the total costs of mediation in each individual case. A reasonable proportion of those total costs shall be determined, on the basis of a suggestion by the mediator, by taking into account all relevant elements of the case at hand, in particular the relative merits of the claims of the parties to the dispute, **whether a threshold of materiality is present in the claims**, the conduct of the parties, as well as the size and financial strength of the parties relative to one another.

Or. en

Justification

The changes clarify the text to ensure that online intermediation services are not subject to unreasonable payment obligations for immaterial or inappropriate claims.

Amendment 333
José Blanco López

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. Any attempt to reach an agreement through mediation on the settlement of a dispute in accordance with this Article shall not affect the rights of the providers of the online intermediation services and of the business users concerned to initiate judicial proceedings at any time during or after the mediation process.

Amendment

5. Any attempt to reach an agreement through mediation on the settlement of a dispute in accordance with this Article shall not affect the rights of the providers of the online intermediation services, **of the providers of online search engines** and of the business users concerned to initiate judicial proceedings at any time during or after the mediation process.

Or. es

Amendment 334

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

The Commission shall encourage providers of online intermediation services as well as organisations and associations representing them to individually or jointly set up one or more organisations providing mediation services which meet the requirements specified in Article 10(2), for the specific purpose of facilitating the out-of-court settlement of disputes with business users arising in relation to the provision of those services, taking particular account of the cross-border nature of online intermediation services.

Amendment

Member States shall set up one or more organisations providing mediation services which meet the requirements specified in Article 10(2), for the specific purpose of facilitating the out-of-court settlement of disputes with business users arising in relation to the provision of those services, taking particular account of the cross-border nature of online intermediation services.

Or. en

Justification

Mediation is a process already established in the Member State and it will be suitable to use the existing system and add specialised requirements, rather than encouraging parallel systems to emerge.

Amendment 335

José Blanco López

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

The Commission shall encourage providers of online intermediation services as well as organisations and associations representing them to individually or jointly set up one or more organisations providing mediation services which meet the requirements specified in Article 10(2), for the specific purpose of facilitating the out-of-court

Amendment

The Commission shall encourage providers of online intermediation services ***and providers of online search engines*** as well as organisations and associations representing them to individually or jointly set up one or more organisations providing mediation services which meet the requirements specified in Article 10(2), for

settlement of disputes with business users arising in relation to the provision of those services, taking particular account of the cross-border nature of online intermediation services.

the specific purpose of facilitating the out-of-court settlement of disputes with business users arising in relation to the provision of those services, taking particular account of the cross-border nature of online intermediation services.

Or. es

Amendment 336

Michał Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Organisations or associations shall have the right referred to in paragraph 1 only where, at the time of bringing the action, they meet all of the following requirements:

Organisations or associations shall have the right referred to in paragraph 1 only where, at the time of bringing the action **and for the duration of the action**, they meet all of the following requirements:

Or. en

Amendment 337

Michał Boni, Henna Virkkunen, Jerzy Buzek, Krišjānis Kariņš

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) they are properly constituted according to the law of a Member State;

(a) they are properly constituted according to the law of a Member State **and hold a qualified license issued by Member State**;

Or. en

Amendment 338

Michał Boni, Henna Virkkunen, Jerzy Buzek

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) they pursue objectives that are in the collective interest of the group of business users or corporate website users that they represent;

Amendment

(b) they pursue objectives that are in the collective interest of the group of business users or corporate website users that they represent; ***The Group must consist at least majority of business users or corporate website users;***

Or. en

Amendment 339

Rolandas Paksas

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) they pursue objectives that are in the collective interest of ***the*** group of business users or corporate website users that they represent;

Amendment

(b) they pursue objectives that are in the collective interest of ***a material and representative*** group of business users or corporate website users that they represent, ***on an opt-in basis;***

Or. en

Justification

The right to a judicial process should remain a fundamental right, no actor should be able to advantage of judicial proceedings in an inappropriate way.

Amendment 340

Rolandas Paksas

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) they disclose fully and publicly-available information about their

Amendment 341

Michal Boni, Henna Virkkunen, Jerzy Buzek

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) they are of a non-profit making character.

Amendment

(c) they are of a non-profit making character ***and are transparent for bringing a claim***

Amendment 342

Pilar del Castillo Vera

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) The internal complaint-handling system provided in article 9 have been engaged and failed to terminate the dispute.

Amendment 343

Eva Kaili

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

they are registered at the Transparency Register;

Amendment 344

Eva Kaili

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. they are transparent about their source of funding;

Or. en

Amendment 345

José Blanco López

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The right referred to in paragraph 1 shall be without prejudice to the rights of business users and corporate website users to individually take action before competent national courts, in accordance with the rules of the law of the Member State where the action is brought, to address any non-compliance by providers of online intermediation services with the relevant requirements laid down in this Regulation.

3. The right referred to in paragraph 1 shall be without prejudice to the rights of business users and corporate website users to individually take action before competent national courts, in accordance with the rules of the law of the Member State where the action is brought, to address any non-compliance by providers of online intermediation services **or online search engines or providers of online search engines** with the relevant requirements laid down in this Regulation.

Or. es

Amendment 346

Angelika Mlinar

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The right referred to in paragraph 1 shall be without prejudice to the rights of business users and corporate website users to individually take action before competent national courts, in accordance with the rules of the law of the Member State where the action is brought, to address any non-compliance by providers of online intermediation services with the relevant requirements laid down in this Regulation.

Amendment

3. The right referred to in paragraph 1 shall be without prejudice to the rights of business users and corporate website users to individually take action before competent national courts, in accordance with the rules of the law of the Member State where the action is brought, to address any non-compliance by providers of online intermediation services **or online search engines** with the relevant requirements laid down in this Regulation.

Or. en

Amendment 347
José Blanco López

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall encourage the drawing up of codes of conduct by providers of online intermediation services and by organisations and associations representing them, intended to contribute to the proper application of this Regulation, taking account of the specific features of the various sectors in which **online intermediation** services are provided, as well as of the specific characteristics of micro, small and medium-sized enterprises.

Amendment

1. The Commission shall encourage the drawing up of codes of conduct **and ensure they are complied with** by providers of online intermediation services, **by providers of online search engines** and by organisations and associations representing them, intended to contribute to the proper application of this Regulation, taking account of the specific features of the various sectors in which **the services in question** are provided, as well as of the specific characteristics of micro, small and medium-sized enterprises.

Or. es

Amendment 348
Eva Kaili

Proposal for a regulation
Article 13 a (new)

Article 13 a

Platform Observatory

- 1. The group of experts for the Observatory on the Online Platform Economy (“the group”) shall be established.***
- 2. The group shall be composed of 15 members, appointed for a term of two years. Members shall be individuals appointed in a personal capacity. They shall have a proven competence and experience in respect of the online platform economy in general or of specific digital technologies, business models or other issues related thereto. Powers shall be delegated to the Commission for the application and nomination process.***
- 3. Members shall act independently and in the public interest.***
- 4. Members who are no longer capable of contributing effectively to the group’s deliberations, who, in the opinion of the Commission’s Directorate General for Communication Networks, Content and Technology and the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs (“responsible Directorates-General of the Commission”), do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term.***
- 5. The Group shall have the following tasks:***
 - (a) to provide the Commission with advice and expertise on the evolution of the online platform economy, in particular as regards potentially harmful practices in commercial transactions between, on the***

one hand, providers of online intermediation services and of online search engines and, on the other hand, undertakings established in the Union that use or intend to use those online services to offer their goods or services to consumers located in the Union;

(b) to compile a list of specialised mediators, that will be the pool of out of which the providers will have to choose in accordance with Article 10.

(c) to establish and communicate the set of criteria used for the compilation of the list of specialized mediators

(d) to perform expert analysis on issues of particular importance that may arise in relation to the online platform economy and the potentially harmful practices referred to in point (a), including:

(i) issues related to algorithmic decision-making and ranking in connection with the provision of online intermediation services and online search engines, including the question of transparency;

(ii) access to, and use of, different categories of personal data and other data, in compliance with data protection rules, provided or generated in the context of the provision and use of online intermediation services and online search engines;

(iii) issues related to remuneration for material displayed online, in particular in relation to search results; (iv) transparency and accountability in business-to-business commercial relations in online advertising;

(v) differentiated treatment which providers of online intermediation services might give to goods and services offered by themselves or by the undertakings which they control;

(vi) restrictions to offer different conditions when using other distribution channels which providers of online

intermediation services might impose on business users;

(vii) possible impacts of these potentially harmful practices on consumers;

(e) to assist the Commission in the preparation of its annual work programme, as regards the issues referred to in point (b);

(f) to analyse the evolution of regulation, self-regulation or other policy measures related to the online platform economy in the Member States or, where relevant, for the online platform economy in the Union, in third countries;

(g) upon the request of the Commission, and under its supervision, to liaise on specific issues related to the online platform economy with other relevant expert bodies or centres of excellence at Union, national or international level, to the extent necessary to perform the other tasks set out in this Article.

6. The Group shall meet at least twice a year, or at the request of the Commission, may meet more often. The Commission shall chair the Group and provide the secretariat to it.

Or. en

Amendment 349

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Applicable law

This Regulation shall not affect the application of the relevant rules of Union law applicable in the areas of judicial

cooperation in civil matters, competition, consumer protection, data protection, electronic commerce, financial services and trade secrets.

Or. en

Justification

The new article clarifies the character of lex specialis of the texts covering specific areas.

Amendment 350

Angelika Mlinar

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. By [date: **three** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By [date: **two** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Or. en

Amendment 351

Eva Kaili

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. By [date: **three** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By [date: **two** years after the date of entry into force], and subsequently every three years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Or. en

Amendment 352
José Blanco López

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. By [date: **three** years after the date of entry into force], and subsequently every **three** years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By [date: **two** years after the date of entry into force], and subsequently every **two** years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Or. es

Amendment 353
Amjad Bashir, Evžen Tošenovský

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. It shall apply from [date: **six** months following the day of its publication].

Amendment

2. It shall apply from [date: **eighteen** months following the day of its publication].

Or. en