



2020/2018(INL)

18.5.2020

AMENDMENTS

312 - 598

Draft report

Alex Agius Saliba

(PE648.474v02-00)

Digital Services Act: Improving the functioning of the Single Market
(2020/2018(INL))

Amendment 312
Eugen Jurzyca

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

deleted

Or. en

Amendment 313
Marco Zullo

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, **will make** the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that ***it is essential to distinguish between commercial content on the one hand and non-commercial content, such as posts from individual users, on the other and to adopt*** a more aligned approach at Union level, taking into account the different types of content, ***making*** the fight against illegal content more effective; ***considers that a clear and precise definition of what is meant by 'unlawful content' is needed;***

Or. it

Amendment 314
Clara Ponsatí Obiols

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, ***in particular what protected interest the content might damage***, will make the fight against illegal content more effective ***and more consistent with the right of freedom of expression***;

Or. en

Amendment 315
Edina Tóth

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of ***misinformation*** online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of ***disinformation*** online; believes, however, that a more aligned approach at Union level ***and the introduction of an obligation to ensure that illegal content stays down after being removed***, taking into account the different types of content ***and technical capacities***, will make the fight against illegal content more effective;

Or. en

Amendment 316

Adam Bielan, Beata Mazurek, Andżelika Anna Możdżanowska

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, *however*, that a more aligned approach at Union level, *taking into account the different types of content*, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; *recalls the fact that misinformative and harmful content is not always illegal; requests further to establish a definition of illegal information and activities to simplify compliance*; believes, that a more aligned approach at Union level will make the fight against illegal content more effective;

Or. en

Amendment 317

Dan-Ştefan Motreanu

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of *misinformation* online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of *disinformation* online; believes, however, that a more aligned *and coordinated* approach at Union level, taking into account the different types of content, will make the fight against *both illegal content and harmful content that is legal yet harmful* content more effective, *more expeditious and less burdensome*;

Or. en

Amendment 318
Geoffroy Didier

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online ***since the concept of illegal and harmful content covers many aspects***; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Or. fr

Amendment 319
Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that ***there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of misinformation online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;***

Amendment

20. ***Stresses the need to distinguish between ‘illegal’, ‘harmful’, and other content; notes that some content linked to religious belief or political positions, for instance, might be considered harmful without being illegal; considers that ‘harmful’ legal content should not be regulated or defined in the Digital Service Act as they are protected by the freedom of expression;***

Or. en

Amendment 320
Pablo Arias Echeverría, Tomislav Sokol, Edina Tóth, Maria da Graça Carvalho,

Romana Tomc, Andreas Schwab

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of ***misinformation*** online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and cases of ***disinformation*** online; believes, however, that a more aligned approach at Union level, taking into account the different types of content ***and services offered by a platform***, will make the fight against illegal content more effective;

Or. en

Amendment 321

Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol, Krzysztof Hetman

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content ***and*** cases of ***misinformation*** online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content, ***including*** cases of ***disinformation*** online; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal ***and harmful*** content more effective;

Or. en

Amendment 322

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal **and harmful content and cases of misinformation online**; believes, however, that a more aligned approach at Union level, taking into account the different types of **content**, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal **activities**; believes, however, that a more aligned approach at Union level, taking into account the different types of **activities**, will make the fight against illegal content more effective;

Or. en

Amendment 323
Andreas Schwab

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and **cases of misinformation online**; believes, however, that a more aligned approach at Union level, taking into account the different types of content, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal and harmful content and **reiterates therefore the importance of the sector-specific legislation that has been established in the past and stresses that it should not be put into question by the revision of the E-Commerce directive**;

Or. en

Amendment 324
Dan-Ștefan Motreanu

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

Calls for an aligned approach based on general principles, such as a duty of care,

which consists in online intermediaries taking all effective and appropriate measures to identify the risks, prevent the appearance of, remove and disable illegal content on their platform , remedy the negative consequences and report on the way they remedy it; considers that this should be a prerequisite for their qualification for exemptions from liability;

Or. en

Amendment 325
Salvatore De Meo

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Calls for an aligned approach based on general principles, such as a duty of care, which consists in online intermediaries taking all effective and appropriate measures to prevent the appearance of, remove and disable illegal content on their platform; considers that this should be a prerequisite for their qualification for exemptions from liability;

Or. en

Amendment 326
Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Considers that this approach at Union level should be based on the principle of due diligence which is already

implemented by some players; underlines that, in the context of the Digital Services Act, this principle should notably mean that active online intermediaries should take also effective and appropriate measures to tackle and remove illegal content from their platform and that such proactive measures should be a precondition for the service providers to benefit from the exemption of liability provided for in the E-Commerce Directive;

Or. en

Amendment 327

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Underlines that illegal content should be removed where it is hosted, and that access providers shall not be required to block access to content;

Or. en

Amendment 328

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

Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Stresses also that content that might be seen as 'illegal' in some Member States, may not be seen as such in others as only some type of 'illegal' content are

harmonised in the EU; notes that there is therefore no 'one size fits all' solution to all types of 'illegal' content;

Or. en

Amendment 329

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 20 b (new)

Motion for a resolution

Amendment

20b. Believes, however, that a more aligned approach at Union level, taking into account the different types of content and online platforms and based on cooperation and exchange of best practices, will make the fight against 'illegal' content more effective;

Or. en

Amendment 330

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 20 c (new)

Motion for a resolution

Amendment

20c. Underlines the need to adapt the severity of the measures that need to be taken by service providers to the seriousness of the infringement, so that the fight against terrorism, illegal hate speech, or child sexual abuse material take clear precedence over other types of infringements;

Or. en

Amendment 331

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online; ***considers that instead of applying algorithms for automated filtering technologies, a solid reform of the “notice and take down” framework should be introduced; stresses that in case filters are used, they need to be accompanied by robust safeguards for transparency and accountability with highly skilled independent and impartial public oversight; rejects therefore a “good samaritan clauses” for dominant platforms;***

Or. en

Amendment 332

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought ***some*** benefits, ***but additional measures are needed in order*** to ensure ***the swift detection and removal of illegal content online;***

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought benefits; ***points that codes of conduct on countering illegal hate speech online improved the response of the platforms to the flagged content to 89% within 24 hours, 95 % under 48 hours, 99.3 % in a week; asks the Commission for the code***

of conduct on actions related to feedback provided to users of platforms, to ensure that users are informed how their notifications were resolved;

Or. en

Amendment 333

Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Clara Aguilera, Brando Benifei

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but ***strong*** additional measures are needed in order to ensure the swift detection and removal of illegal content online; ***stresses that voluntary actions and self-regulation by online platforms are not the appropriate way to find a solution for a fair level playing field;***

Or. en

Amendment 334

Kris Peeters

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online; ***stresses that legal obligations for digital service providers must be introduced on procedures,***

procedural safeguards and meaningful transparency reports;

Or. en

Amendment 335

Marco Zullo

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures ***are needed*** in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but ***regards it as necessary to improve cooperation between the authorities and introduce additional codes of conduct, as well as*** additional measures are needed in order to ensure the swift detection and removal of illegal content online, ***without compromising the fundamental rights and freedoms of users;***

Or. it

Amendment 336

Clara Ponsatí Obiols

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online ***and that removal of content does not affect the fundamental rights and the legitimate interests of users and consumers;***

Amendment 337

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have ***brought some benefits, but additional measures are*** needed in order to ensure the swift ***detection*** and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have ***led to the removal of content without a clear legal basis and are in contravention of Article 52 of the Charter hence a clear legal framework is*** needed in order to ensure the swift ***notification*** and removal of illegal content online;

Amendment 338

Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have ***brought some benefits, but additional*** measures are needed in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have ***been proven unsatisfactory and much stronger*** measures are needed in order to ensure the swift detection and removal of illegal ***and harmful*** content online;

Amendment 339

Maria Grapini, Clara Aguilera, Marc Angel, Adriana Maldonado López

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional measures are needed in order to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought some benefits, but additional **binding** measures are needed in order to ensure the swift detection and removal of illegal content online;

Or. en

Amendment 340

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought **some** benefits, **but** additional measures **are needed in order** to ensure the swift detection and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have brought benefits **and** additional measures **should be taken** to ensure the swift detection and removal of illegal content online;

Or. en

Amendment 341

Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Moździanowska

Motion for a resolution

Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Considers that more legal clarity is needed to encourage platforms and

information society services providers to engage in additional voluntary actions for content moderation, above what is required by law; points out that the current EU legal regime creates an incentive for platforms and information society services providers to either refrain from taking reasonable proactive moderation, or to over-remove valuable content in the course of moderating for fear of losing their safe harbour protections and facing legal consequences;

Or. en

Amendment 342

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher

**Motion for a resolution
Paragraph 21 a (new)**

Motion for a resolution

Amendment

21a. Would welcome the adoption of measures which would allow online intermediaries to do further self-controls of content on their sites without fear of increased liability under the E-Commerce Directive; at the same time, disagrees with any measures which would require self-controls in order to qualify for limited liability protections;

Or. en

Amendment 343

Geoffroy Didier

**Motion for a resolution
Paragraph 21 a (new)**

Motion for a resolution

Amendment

21a. *Notes that the principle of control by the country of origin makes it possible in particular to respect national specificities in matters of justice and control of content online; warns nevertheless against some abuses of this same principle which are reflected in a form of 'digital dumping';*

Or. fr

Amendment 344

Pablo Arias Echeverría, Tomislav Sokol, Pilar del Castillo Vera, Edina Tóth, Maria da Graça Carvalho, Pascal Arimont, Marion Walsmann, Kris Peeters, Romana Tomc, Anna-Michelle Asimakopoulou, Andreas Schwab

Motion for a resolution

Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. *Believes that where intermediaries are established in a third country, they should designate a legal representative, established in the Union, who can be held accountable for the products they offer;*

Or. en

Amendment 345

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 21 b (new)

Motion for a resolution

Amendment

21b. *Underlines, however, the need to prevent a general monitoring of content uploads and for a light-handed approach by online intermediaries as to user*

uploaded content of a non-commercial nature; underlines that algorithms are not able to fully understand context and the legal uses of content as outlined in EU and different national legislations; believes that filters based on algorithms alone systematically lead to the removal of legitimate content ('false positives') and the corruption of such systems to the benefit of unfair commercial practices; asks where there is a doubt as to a content being of an 'illegal' nature, that this content should not be removed before further investigation;

Or. en

Amendment 346

Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andželika Anna Możdżanowska

**Motion for a resolution
Paragraph 21 b (new)**

Motion for a resolution

Amendment

21b. Considers that any deployment of voluntary measures for content moderation shall not be treated as information society services providers having actual knowledge about illegal activities happening on their platforms, underlines that information society services providers shall not be held liable if they have not obtained actual knowledge or awareness of such activities; stresses that the limited liability principle has been one of the key enablers of European innovation;

Or. en

Amendment 347

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution
Paragraph 21 c (new)

Motion for a resolution

Amendment

21c. *Asks the Commission to issue a study on the removal of content and data during the COVID-19 crisis by automated decision-making and the level of removals in error (false positives) that were included in the number of items removed;*

Or. en

Amendment 348
Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution
Paragraph 22

Motion for a resolution

Amendment

22. Calls on the Commission to address ***the increasing differences and fragmentations of*** national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users ***to notify*** online intermediaries ***of the existence of*** potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

22. Calls on the Commission to address ***to which extend*** national rules in the Member States ***are circumventing the basic rule of the E-Commerce Directive - the country of origin principle*** and to propose concrete ***non-legislative or*** legislative measures including a ***transparent*** notice-and-action mechanism, that can empower ***both*** users ***and*** online intermediaries ***to deal appropriately with*** potentially illegal online content or behaviour, ***help information service providers to make faster and more precise decision on content moderation and which could empower the enforcement authorities to apply existing rules in a coherent and legally sound way***; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy; ***stresses that content moderation rules and decisions should be clear and predictable for consumers***;

Amendment 349
Clara Ponsatí Obiols

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, ***which ensures sufficient safeguards against abusive restrictive measures, including effective control by a court or other independent adjudicatory body and*** that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy; ***considers that such mechanism should also govern any content supervision by any authority in order to ensure protection against illegitimate interference with the right to freedom of expression;***

Amendment 350
Dan-Ștefan Motreanu

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and

Amendment

22. Calls on the Commission to address the increasing differences and

fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action *mechanism*, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

fragmentations of national rules in the Member States and to propose concrete *targeted* legislative measures including a notice-and-action *mechanisms, without prejudice to existing right holder protections and remedies available under EU and national law*, that can empower users *and trusted flaggers* to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures *which must include effective stay down obligations for illegal content, including for identical or similar illegal content, and stronger and more transparent repeat infringers policies*, would *help* guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 351

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy; *stresses that the notice-and-action mechanism should be complemented with “stay down” obligations to prevent the reappearance of illegal online content that has already*

been identified and removed as illegal;

Or. en

Amendment 352

Jordi Cañas

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy; ***considers that a notice and take down regime should be technology-neutral to be fit for the diversity of digital services provided by online platforms, as well as accessible to all actors and easy to use;***

Or. en

Amendment 353

Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Moźdzanowska

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete

legislative measures including a **notice-and-action** mechanism, that can empower users to notify **online intermediaries** of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of **users' and consumers'** protection while promoting consumer trust in the online economy;

legislative measures including a **well-defined notice-and-takedown** mechanism **with boundaries**, that can empower users to notify **online intermediaries** of the existence of potentially illegal online content or behaviour; **highlights that such mechanism could be only complete if it is introduced together with a counter-notice mechanism**; is of the opinion that such measures would guarantee a high level of protection **to all actors participating in the system**, while promoting consumer trust in the online economy;

Or. en

Amendment 354

Adriana Maldonado López, Clara Aguilera

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including **an effective and proportionate** notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour' **ensuring that flagged illegal content is removed and does not reappear**; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. es

Amendment 355

Geoffroy Didier

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; ***suggests the establishment of dissuasive sanction mechanisms with regard to the dissemination of illegal content***; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. fr

Amendment 356
Salvatore De Meo, Carlo Fidanza

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including ***a*** notice-and-action mechanism, that ***can empower*** users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including ***an effective and proportionate*** notice-and-action mechanism, that ***empowers*** users to notify online intermediaries of the existence of potentially illegal online content or behaviour ***and ensures that the notified content is removed and does not reappear on the platform***; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while

promoting consumer trust in the online economy;

Or. en

Amendment 357

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

Motion for a resolution Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour ***and require platforms to react more quickly and to be more transparent about the actions taken***; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 358

Andreas Schieder, Adriana Maldonado López, Clara Aguilera

Motion for a resolution Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the

Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users **and public bodies and administrations** to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 359

Marc Angel, Sándor Rónai

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a **harmonised** notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 360

Maria Grapini, Clara Aguilera, Marc Angel, Adriana Maldonado López

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete, **and harmonized** legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 361

Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol, Krzysztof Hetman

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal **or harmful** online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 362
Andreas Schwab

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a **harmonised** notice-and-action mechanism, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Or. en

Amendment 363
Anna-Michelle Asimakopoulou

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete legislative measures including a notice-and-action **mechanism**, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online economy;

Amendment

22. Calls on the Commission to address the increasing differences and fragmentations of national rules in the Member States and to propose concrete **targeted** legislative measures including a notice-and-action **mechanisms**, that can empower users to notify online intermediaries of the existence of potentially illegal online content or behaviour; is of the opinion that such measures would guarantee a high level of users' and consumers' protection while promoting consumer trust in the online

economy;

Or. en

Amendment 364

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Stresses that such a ‘notice-and-action’ mechanism must be human-centric and give the benefit of the doubt to users; underlines that safeguards against the abuse of the system should be introduced, including against repeated false flagging, unfair commercial practices and other schemes; underlines that for many small traders, the removal of even a single product can result in the collapse of a business;

Or. en

Amendment 365

Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Clara Aguilera, Maria Grapini, Brando Benifei

Motion for a resolution

Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Notes that Member States under the E-Commerce Directive must safeguard the protection of public interest, the protection of services of general interest, the protection of affordable housing, the prevention of competitive distortion and the safeguarding of the necessary

performance of public administration;

Or. en

Amendment 366
Geoffroy Didier

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Requests specifically that platforms hosting and moderating content bear a responsibility proportional to their market position for the dissemination of illegal and harmful content;

Or. fr

Amendment 367
Salvatore De Meo

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Stresses that a harmonized notice and action framework should comprise "staydown" obligations, which consist in taking all appropriate to prevent the reappearance of illegal content once it has been taken down;

Or. en

Amendment 368
Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution
Paragraph 22 b (new)

Motion for a resolution

Amendment

22b. *Notes the challenges around the enforcement of legal injunctions issued within Member States other than the country of origin of a service provider; stresses the need to investigate this issue outside the scope of the Digital Service Act and any ‘notice-and-action’ mechanism;*

Or. en

Amendment 369
Marcel Kolaja

Motion for a resolution
Paragraph 23

Motion for a resolution

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved; ***reminds that in line with Directive (EU) 2018/1808 (AVMS Directive) ex-ante control measures do not comply with article 15 of the Directive 2000/31/EC; underlines therefore that the future Digital Services Act should prohibit imposing on hosting service providers or other intermediary services mandatory automated technologies to control content;***

Or. en

Amendment 370
Marco Zullo

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved; ***calls on hosting intermediaries to make their content moderation and illicit content removal tools available to market watchdogs and the Commission to facilitate the development of common standards and the creation of new analysis and review tools;***

Or. it

Amendment 371

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved; ***in this context, underlines that the legal liability regime and ban on general monitoring should not be weakened via a possible new legislation or the amendment of other sections of the E-commerce Directive, including the amendment of the***

definitions laid down in the Directive;

Or. en

Amendment 372

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved; ***reminds that the “primary” liability for illegal content should stay with a person uploading this content and should be different in volume and severity from “secondary” liability of service provider, i.e. responsibility for timely removal of illegal content;***

Or. en

Amendment 373

Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Edina Tóth, Romana Tomc

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved; ***stresses***

relevant and need to be preserved;

however, that the liability regime necessitates further clarification regarding active and passive hosting in the situation when intermediaries have control over data by selecting, using and modifying it in order to optimise or promote it;

Or. en

Amendment 374

Alexandra Geese

on behalf of the Greens/EFA Group

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are ***still relevant*** and need to be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are ***pivotal for ensuring the availability of content online and for protecting the fundamental rights of users*** and need to be preserved; ***reminds that in line with Directive (EU) 2018/1808 (AVMS Directive) ex-ante control measures do not comply with article 15 of the Directive 2000/31/EC;***

Or. en

Amendment 375

Andreas Schwab

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime

Amendment

23. Stresses that maintaining safeguards from the legal liability regime

for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved *yet adapted to the current digital environment, meaning the rapid transformation and expansion of e-commerce in all its forms, with its multitude of different emerging services, providers and challenges*;

Or. en

Amendment 376

Andreas Schieder, Adriana Maldonado López, Clara Aguilera, Maria Grapini

Motion for a resolution Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and *need to* be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and *should* be preserved *in general, but needs to be adjusted to safeguard the principle "what is illegal offline is illegal online"*;

Or. en

Amendment 377

Salvatore De Meo, Carlo Fidanza

Motion for a resolution Paragraph 23

Motion for a resolution

23. Stresses that *maintaining safeguards from* the legal liability regime

Amendment

23. Stresses that the legal liability regime for *passive* hosting *online*

for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

intermediaries with regard to user-uploaded content *set out in Articles 12, 13 and 14 of the E-Commerce Directive* and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Or. en

Amendment 378

Adriana Maldonado López, Clara Aguilera

Motion for a resolution Paragraph 23

Motion for a resolution

23. Stresses that *maintaining safeguards from* the legal liability regime for *hosting intermediaries with regard to user-uploaded content* and the general monitoring prohibition set out in Article 15 of the *E-Commerce* Directive are still relevant and need to be preserved;

Amendment

23. Stresses that the legal liability regime for *passive online intermediaries under Articles 12, 13 and 14 of the E-Commerce Directive* and the general monitoring prohibition set out in Article 15 *thereof* Directive are still relevant and need to be preserved;

Or. es

Amendment 379

Dan-Ştefan Motreanu

Motion for a resolution Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for *passive* hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Or. en

Amendment 380
Tomislav Sokol, Pablo Arias Echeverría, Edina Tóth

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Bearing in mind the importance of intellectual property for the European economy as a whole, as well as for the normal functioning of the Single Market – especially with regard to freedom to provide services, and furthermore assuming that intellectual property is often infringed on Internet platforms, considers that the future regulatory framework should ensure effective enforcement of IPR provisions, especially with regard to the removal of illegal content from the digital platforms;

Or. en

Amendment 381
Salvatore De Meo

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Stresses that it needs to be clarified that the exemption of liability only applies to passive intermediaries; points out in this regard, that the Digital Services Act should clarify that interventions by hosting providers having editorial functions and a certain "degree of control over the data," through tagging, organizing, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes should lead to a loss of safe harbour provisions due to their active nature;

Amendment 382
Dan-Ștefan Motreanu

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. *Stresses that it needs to be clarified that the limited liability only applies to passive intermediaries. In this regard, the Digital Services Act should clarify that interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit making purposes should lead to a loss of safe harbour provisions due to their active nature;*

Amendment 383
Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. *Asks the Commission to consider the introduction of the good Samaritan clause whereby service providers that use voluntary measures to detect and remove illegal content online should not lose their liability protection; reminds that voluntary content moderation measures does not necessarily means full knowledge about illegal content uploaded by users and cannot in any case mean introduction of general monitoring principle in any*

form;

Or. en

Amendment 384

Alex Agius Saliba, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Brando Benifei, Maria Grapini, Andreas Schieder, Marc Angel, Evelyne Gebhardt

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Emphasises its scepticism about the introduction of “good Samaritan” provisions to exempt providers from liability when acting in “good faith” as this would encourage platforms to decide on what should be allowed or not and would risk reinforcing impunity, creating obstacles for enforcement; considers that the import of US law provisions are not fit-for-purpose in Union law;

Or. en

Amendment 385

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Asks the Commission to improve consumer rights in the future regulation, by introducing safeguards to prevent violations, which are missing from Directive 2000/31/EC; notes that this should include as a minimum internal and external dispute mechanism, and the clearly stated possibility of judicial

redress;

Or. en

Amendment 386

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Asks the Commission to review the Annex to the E-Commerce Directive and, where relevant, remove or further limit the derogations granted there; notes that a significant and ever increasing part of the Digital Single Market is made up of services included there within;

Or. en

Amendment 387

Andreas Schieder, Adriana Maldonado López, Clara Aguilera

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Notes that Member States should ensure, that upon request, the service provider supplies to the competent authorities of the country of destination all the data required for public administration to fulfil its tasks needed to enforce law;

Or. en

Amendment 388

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. *Calls on the Commission to clarify the definition of active and passive hosting intermediaries taking into account the existing jurisprudence of the Court of Justice; stresses that exemption from liability by default should be limited to passive hosts;*

Or. en

Amendment 389
Edina Tóth

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. *Systemic platforms should face legal obligations in respect to illegal content, including accountability for content moderation, as well as proactive measures to address such content on their services;*

Or. en

Amendment 390
Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 23 b (new)

Motion for a resolution

Amendment

23b. *Notes that online intermediaries might encrypt or otherwise prevent outside access to their content by third*

parties, including hosting intermediaries, who do not have the encryption key; believes therefore that any requirements should take this and similar practical problems into account;

Or. en

Amendment 391
Salvatore De Meo

Motion for a resolution
Subheading 6

Motion for a resolution

Amendment

Online *marketplaces*

Online *platforms*

Or. en

Amendment 392

Pablo Arias Echeverría, Tomislav Sokol, Andrey Kovatchev, Maria da Graça Carvalho, Pascal Arimont, Marion Walsmann, Romana Tomc, Andreas Schwab

Motion for a resolution
Paragraph 24

Motion for a resolution

Amendment

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights; ***stresses, in this context, the need for a possibility to always identify manufacturers and sellers of products from third countries; underlines that if one of the services provided by a platform can be considered a marketplace ("hybrid platforms"), the rules should fully apply***

to that part of the business; and asks the online marketplaces to enhance their cooperation by exchanging information on the seller of these products with the market surveillance and the custom authorities;

Or. en

Amendment 393

Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Clara Aguilera

Motion for a resolution Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

Amendment

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules *and standards* on product safety and do not sufficiently guarantee consumer rights; *stresses that fraudulent practices, such as fake shops, fraud by advance payment or phishing often lead to financial damages for consumers;*

Or. en

Amendment 394

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at

Amendment

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at

the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and ***to create unsustainable, distorted competition both for SMEs and for large companies, whose licensed production they sometimes copy, and*** do not sufficiently guarantee consumer rights;

Or. fr

Amendment 395
Salvatore De Meo

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

Amendment

24. Notes that while online platforms, such as online market places, ***price comparison tools, or online advertising platforms***, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

Or. en

Amendment 396
Brando Benifei, Maria Grapini, Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have

Amendment

24. Notes that while online platforms, such as online market places, have

benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety **or are counterfeit** and do not sufficiently guarantee consumer rights;

Or. en

Amendment 397

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, **they have allowed sellers, in particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;**

Amendment

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, **an increasing number of non-compliant sellers - especially from third countries – are offering unsafe or illegal products in the European market;**

Or. en

Amendment 398

Róza Thun und Hohenstein, Andrey Kovatchev, Tomislav Sokol

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have benefited both retailers and **consumers** by improving choice and lowering prices, at the same time, they have allowed sellers, in

Amendment

24. Notes that while online platforms, such as online market places, have benefited both retailers and **customers** by improving choice and lowering prices, at the same time, they have allowed sellers, in

particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

particular from third countries, to offer products which often do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

Or. en

Amendment 399
Eugen Jurzyca

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, ***in particular from third countries***, to offer products which ***often*** do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

Amendment

24. Notes that while online platforms, such as online market places, have benefited both retailers and consumers by improving choice and lowering prices, at the same time, they have allowed sellers, to offer products which ***in some cases*** do not comply with Union rules on product safety and do not sufficiently guarantee consumer rights;

Or. en

Amendment 400
Marco Zullo

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

24a. If one of the services provided by an online platform turns out to be an online marketplace as defined by the Omnibus Directive, the rules for online markets must be applied to that part of the business;

Amendment

Or. it

Amendment 401

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards; ***stresses that in view of commercial activities on online market places, self regulation provided to be insufficient and therefore, asks the Commission to introduce strong safeguards and obligations for product safety and consumer protection for commercial activities on online market places, accompanied by a tailored liability regime with proper enforcement mechanisms;***

Or. en

Amendment 402

Marco Zullo

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards; ***considers the timely application of the E-Commerce Directive to be essential with regard to platform accountability for failure to remove or prevent access for illegal or unsafe products or to take swift and effective measures to prevent their reappearance if they are aware of them;***

Amendment 403

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards; ***calls on the Commission to introduce an obligation for online platforms to inform consumers once a product they have bought has been removed from the platform following notification on its non-compliance with the EU product safety and consumer protection rules;***

Amendment 404

Alex Agius Saliba, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Brando Benifei, Andreas Schieder, Marc Angel, Sándor Rónai, Evelyne Gebhardt, Biljana Borzan, Sylvie Guillaume

Motion for a resolution

Paragraph 25

Motion for a resolution

25. ***Stresses*** that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. ***Calls on the Commission to address issues related to online marketplaces in the Digital Services Act and asks for a thorough analysis of the interaction between the Digital Services Act and the Union product safety and chemicals legislation; stresses*** that it is unacceptable that Union consumers are exposed to illegal and unsafe products,

containing dangerous chemicals, as well as other safety hazards;

Or. en

Amendment 405

Marion Walsmann, Pablo Arias Echeverría, Andrey Kovatchev, Pascal Arimont, Christian Doleschal

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards ***and, therefore. asks the Commission to increase the responsibility of online marketplaces selling non-food consumer products as outlined in the annex;***

Or. en

Amendment 406

Maria Grapini, Clara Aguilera, Marc Angel, Adriana Maldonado López

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards; ***insists on the necessity to establish measures in order to prevent the sale of non-compliant products or services on online platforms;***

Or. en

Amendment 407

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that **Union** consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards; ***notes in this context the existence of the Rapid Alert System for dangerous non-food products;***

Or. en

Amendment 408

Monika Beňová

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards, ***that pose risks to human health;***

Or. en

Amendment 409

Andreas Schwab

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, ***containing***

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products;

dangerous chemicals, as well as other safety hazards;

Or. en

Amendment 410

Brando Benifei, Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Marc Angel

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union consumers are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union consumers are exposed to illegal, **counterfeit** and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Or. en

Amendment 411

Róza Thun und Hohenstein, Andrey Kovatchev, Tomislav Sokol

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Stresses that it is unacceptable that Union **consumers** are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Amendment

25. Stresses that it is unacceptable that Union **customers** are exposed to illegal and unsafe products, containing dangerous chemicals, as well as other safety hazards;

Or. en

Amendment 412

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Calls for the Digital Services Act to address issues related to online marketplaces; asks for the full implementation of Union product safety and chemicals legislation and calls for a review on the General Product Safety Directive and the Product Liability Directive; calls on Member States to devote sufficient capacities to improve the enforcement of EU product safety and chemicals legislation and for the Commission to provide adequate support in doing so;

Or. en

Amendment 413
Adriana Maldonado López, Clara Aguilera

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Stresses that, if an unsafe or illegal product is withdrawn, the platform must inform consumers who have purchased it and cooperate with the authorities, as well as reporting all products on its platform that are considered illegal or unsafe;

Or. es

Amendment 414
Salvatore De Meo

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. *Encourages the Commission to introduce a new obligation for online platforms to inform consumers who have bought illegal goods, once that product has been removed from their platform following a valid notification from a right holder or an enforcement authority;*

Or. en

Amendment 415

Eugen Jurzyca

Motion for a resolution

Paragraph 26

Motion for a resolution

Amendment

26. *Calls on the Commission to remedy the current legal loophole which allows suppliers established outside the Union to sell products online to European consumers which do not comply with Union rules on safety and consumer protection, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;*

deleted

Or. en

Amendment 416

Marc Angel, Sylvie Guillaume, Brando Benifei, Adriana Maldonado López, Maria Grapini, Clara Aguilera

Motion for a resolution

Paragraph 26

Motion for a resolution

Amendment

26. *Calls on the Commission to remedy*

26. *Stresses the importance of the*

the current legal loophole which allows suppliers established outside the Union to sell products online to European consumers which do not comply with Union rules on safety and consumer protection, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;

rules of the Regulation (EU) 2019/1020 on market surveillance and compliance of products about liability and conformity of products imported from third countries; ***calls*** on the Commission to remedy the current ***further*** legal loophole which allows suppliers established outside the Union to sell products online to European consumers which do not comply with Union rules on safety and consumer protection, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;

Or. en

Amendment 417
Arba Kokalari

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Calls on the Commission to remedy the current legal loophole which allows ***suppliers established outside the Union*** to sell products online to European consumers which do not comply with Union rules on safety and consumer protection, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;

Amendment

26. Calls on the Commission to ***take measures to improve compliance with legislation by platforms established outside the Union and*** remedy the current legal loophole which allows ***these platforms*** to sell products online to European consumers which do not comply with Union rules on safety and consumer protection, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;

Or. sv

Amendment 418
Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Calls on the Commission to remedy the current legal loophole which allows suppliers established outside the Union to sell products online to European consumers which do not comply with Union rules on safety and consumer protection, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;

Amendment

26. Calls on the Commission to remedy the current legal loophole which allows suppliers established outside the Union to sell products online to European consumers which do not comply with Union rules on safety and consumer protection ***or other European legislation applicable***, without being sanctioned or liable for their actions and leaving consumers with no legal means to enforce their rights or being compensated by any damages;

Or. es

Amendment 419
Marco Zullo

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

26a. ***Calls on the Commission to step up requirements for service providers to inform consumers promptly in the event of safety issues with products sold on their platforms and to consider, in consultation with service providers and market watchdogs, the introduction of efficient and reliable product certification procedures to prevent non-compliant products from being sold on the platform;***

Amendment

26a. ***Calls on the Commission to step up requirements for service providers to inform consumers promptly in the event of safety issues with products sold on their platforms and to consider, in consultation with service providers and market watchdogs, the introduction of efficient and reliable product certification procedures to prevent non-compliant products from being sold on the platform;***

Or. it

Amendment 420
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26a. *Stresses that consumers should be equally safe whether shopping online or in brick-and mortar shops; stresses that the Digital Services Act must set up clear obligations for online platforms and create an adapted regime for online marketplaces similar to brick-and mortar shops; calls on Member States to undertake more joined market surveillance actions and to step up collaboration with customs authorities to check the safety of products sold online before they reach consumers;*

Or. en

Amendment 421

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26a. *Asks the Commission to act at global level for minimum requirements for business information disclosure when trading online with consumers, the promotion of good practice via the development of new guidelines and the use of existing standards and the creation of a network of consumer centres to help European consumers to handle disputes with traders based in non-EU countries;*

Or. en

Amendment 422

Adriana Maldonado López, Clara Aguilera

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26a. Stresses that, to meet product accountability and transparency requirements, online marketplaces must at least collect and verify sellers' contact information before allowing the creation of a new account;

Or. es

Amendment 423
Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26a. Asks the Commission to provide exact data and analyses on unsafe and dangerous products originated from both the Union and third countries;

Or. en

Amendment 424
Jordi Cañas

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26a. Draws attention to the fact that the size of online platforms varies from multinationals to micro-enterprises; stresses the importance of fair and effective competition between online

platforms in order to promote consumer choice and avoid the creation of monopolies or dominant positions that distort the markets through abuse of market power;

Or. en

Amendment 425

Alexandra Geese

on behalf of the Greens/EFA Group

Petra De Sutter, Marcel Kolaja

Motion for a resolution

Paragraph 26 b (new)

Motion for a resolution

Amendment

26b. Notes that the amount of free returns of goods sold online has been increasing over the years, leading to costs that create barriers for SMEs and start-ups, as well as considerable costs to the environment and society as a whole, which are currently not being reflected in any way to the consumer; considers that the environmental impact of delivery methods and packaging from recycled materials should also be taken into consideration by consumers when making purchases;

Or. en

Amendment 426

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 26 b (new)

Motion for a resolution

Amendment

26b. Notes the continued issues of the abuse or wrong application of selective

distribution agreements to limit the availability of products and services across borders within the Single Market and between platforms; asks the Commission to act on this issue within any wider review of Vertical Bloc Exemptions and other policies under Article 101 TFEU while refraining from its inclusion in the Digital Services Act;

Or. en

Amendment 427

Alexandra Geese

on behalf of the Greens/EFA Group

Petra De Sutter, Marcel Kolaja

Motion for a resolution

Paragraph 26 c (new)

Motion for a resolution

Amendment

26c. Acknowledging the importance of the right of withdrawal for online or off-premises purchases, calls upon the Commission to enable consumers to make better informed choices by enlarging the information available to them on the cost of the return of goods for the company, environment and society as a whole;

Or. en

Amendment 428

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher

Motion for a resolution

Paragraph 26 c (new)

Motion for a resolution

Amendment

26c. Treatment of contracts [NEW SECTION TITLE]

Amendment 429

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher

Motion for a resolution

Paragraph 26 d (new)

Motion for a resolution

Amendment

26 d. Asks the Commission to review all notifications under Article 9, paragraph 3 of the E-Commerce Directive and, where the Commission believes they are no longer merited, to require Member States to remove such requirements; asks, moreover, that this review take part every two years instead of five;

Amendment 430

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Paragraph 26 e (new)

Motion for a resolution

Amendment

26 e. Notes the rise of “smart contracts” based on distributed ledger technologies; asks the Commission to analyse if certain aspects of “smart contracts” should be clarified and if guidance should be given in order to ensure legal certainty for businesses and consumers; asks especially for the Commission to work to ensure that such contracts with consumers are valid and binding throughout the Union, that they meet the standards of consumer law, for example the right of withdrawal under Directive 2011/83/EU, and that they are not subject to national barriers to

application, such as notarisation requirements;

Or. en

Amendment 431

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Paragraph 26 f (new)

Motion for a resolution

Amendment

26 f. Asks the Commission, while recalling earlier efforts, to further review the practice of End User Licensing Agreements (EULAs) and Terms and Conditions Agreements (T&Cs) and to seek ways to allow greater and easier engagement for consumers, including in the choice of clauses; notes that EULAs and T&Cs are often accepted by users without reading them; notes, moreover, that when a EULA and T&Cs does allow for users to opt-out of clauses, service providers may require users to do so at each use, often in bad faith, to encourage acceptance;

Or. en

Amendment 432

Petra Kammerevert

Motion for a resolution

Subheading 7

Motion for a resolution

Amendment

Ex-ante regulation of **systemic** platforms

Ex ante regulation of **dominant** platforms

Or. de

Amendment 433

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Subheading 7

Motion for a resolution

Ex ante regulation of **systemic** platforms

Amendment

Ex ante regulation of **dominant** platforms

Or. en

Amendment 434

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Notes that, **today**, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that **large platforms acquired a huge amount of data and replaced services of a diverse and decentralised system with open standards by “walled gardens” with locked-in users; stresses that as a consequence** some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy; **considers it therefore necessary to introduce additional obligations regarding data protection, transparency, user choice and interoperability in order to guarantee a level playing field and consumer welfare;**

Or. en

Amendment 435

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy; ***stresses the need to continue the regulatory debate on mechanisms to preserve the level playing field and integrity of the internal market in order to tackle the distortion of competition and the limitation of consumer choice that could be caused by the potential abuse of dominant position of a small number of online platforms;***

Or. en

Amendment 436

Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy; ***reminds that regulation may also act as a gatekeeper, as large companies can benefit from their scale and regulatory reach which enables them to adapt to new regulations which smaller companies find too complex or costly to comply with;***

Or. en

Amendment 437

Marco Zullo

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy; ***calls on the Commission to draw up a definition of a 'systemic platform' on the basis of clear and measurable economic indicators in order to determine, for example, whether stricter accountability is justified;***

Or. it

Amendment 438
Pilar del Castillo Vera, Maria da Graça Carvalho, Pablo Arias Echeverría

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy ***and create new bottlenecks through inflexible terms of access, limited access to operating systems' functionalities or access to user transactions' data;***

Or. en

Amendment 439
Eugen Jurzyca, Adam Bielan

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy; ***notes, however, that concentration in the digital economy as measured by the Herfindahl-Hirschman Index (HHI) is actually stagnating or decreasing;***

Or. en

Amendment 440

Marion Walsmann, Pablo Arias Echeverría, Andrey Kovatchev, Pascal Arimont, Christian Doleschal, Maria da Graça Carvalho

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by large platforms with significant network effects which are able to act as de facto “online gatekeepers” of the digital economy ***and asks the Commission to analyse the consequences this has for consumers, SMEs and the Single Market;***

Or. en

Amendment 441

Monika Beňová

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by large platforms with

Amendment

27. Notes that, today, some markets are characterised by large platforms with

significant network effects which are able to act as de facto “online gatekeepers” of the digital economy;

significant ***bargaining power and*** network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Or. en

Amendment 442
Petra Kammerevert

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Notes that, today, some markets are characterised by ***large*** platforms with ***significant*** network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Amendment

27. Notes that, today, some markets are characterised by ***dominant*** platforms with network effects which are able to act as de facto “online gatekeepers” of the digital economy;

Or. de

Amendment 443
Andreas Schwab

Motion for a resolution
Paragraph 27 a (new)

Motion for a resolution

27a. Notes in particular, that the use of data from one market to expand into another can be problematic as well as the possibility or obligation to use one e-identification designed by one service provider for several platforms;

Or. en

Amendment 444
Eugen Jurzyca

Motion for a resolution
Paragraph 27 a (new)

Motion for a resolution

Amendment

27a. Stresses that in order to promote competition and maximize consumer welfare, ex ante regulations of large platforms with significant network effects should take into account their already decreasing market share;

Or. en

Amendment 445
Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution
Paragraph 28

Motion for a resolution

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;
believes that any regulatory intervention in this area should be supported by evidence demonstrating proven market failures and that the activities of such large platforms have resulted in significant consumer harm;

Or. en

Amendment 446
Marco Zullo

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms, ***especially regarding data-sharing issues, interoperability, open protocols and standards, digital identity and dominant internal market positions***, has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Or. it

Amendment 447
Andrey Kovatchev

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms, ***by ensuring a fair and non-discriminatory access to large platforms, including a prohibition of preferential treatment of their own services***, has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone.

Or. en

Amendment 448
Andreas Schwab

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone **and considers that such regulation should build upon the Platform to Business Regulation.^{1a}**

^{1a} Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

Or. en

Amendment 449
Marc Angel

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by **regulating** large platforms, **an internal market instrument imposing** ex-ante regulatory remedies on these large platforms **has** the potential to

Amendment

28. Considers that by reducing barriers to market entry and by **providing a framework to deal with** large platforms **that play a “gatekeeper role” in a given market, ex-ante regulatory remedies to be**

open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

imposed, on a case-by-case basis by competition authorities on these large platforms *have* the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Or. en

Amendment 450
Dan-Ştefan Motreanu

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies *for unfair market practices* on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Or. en

Amendment 451
Eugen Jurzyca, Adam Bielan

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that *by* reducing barriers to market entry *and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on*

Amendment

28. Considers that reducing barriers to market entry, *including* regulatory *barriers*, has the potential to open up markets to new entrants, including SMEs

these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone; *stresses that ex-ante measures should be in line with the antitrust rules within the competition framework of the Union;*

Or. en

Amendment 452

Pilar del Castillo Vera, Maria da Graça Carvalho, Pablo Arias Echeverría

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on *these large* platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on platforms *with significant market power* has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Or. en

Amendment 453

Petra Kammerevert

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating *large* platforms, an internal market instrument imposing ex-ante regulatory remedies on *these large* platforms has the potential to

Amendment

28. Considers that by reducing barriers to market entry and by regulating *dominant* platforms, an internal market instrument imposing ex-ante regulatory remedies on *dominant* platforms has the

open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation *beyond what can be achieved by competition law enforcement alone*;

potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation *more efficiently and appropriately*;

Or. de

Amendment 454

Pablo Arias Echeverría, Pilar del Castillo Vera, Tomislav Sokol, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Romana Tomc, Andreas Schwab

Motion for a resolution Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including SMEs, *entrepreneurs* and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Or. en

Amendment 455 Arba Kokalari

Motion for a resolution Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including

Amendment

28. Considers that by reducing barriers to market entry and by regulating large platforms, an internal market instrument imposing ex-ante regulatory remedies on these large platforms has the potential to open up markets to new entrants, including

SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by *the existing* competition law enforcement alone;

Or. sv

Amendment 456
Anna-Michelle Asimakopoulou

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Considers that by reducing barriers to market entry and by regulating *large* platforms, an internal market instrument imposing ex-ante regulatory remedies on these *large* platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Amendment

28. Considers that by reducing barriers to market entry and by regulating *systemic* platforms, an internal market instrument imposing ex-ante regulatory remedies on these *systemic* platforms has the potential to open up markets to new entrants, including SMEs and start-ups, thereby promoting consumer choice and driving innovation beyond what can be achieved by competition law enforcement alone;

Or. en

Amendment 457
Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution
Paragraph 28 a (new)

Motion for a resolution

Amendment

(1) Considers that increased transparency from platforms on data sharing is crucial in view of guaranteeing the functioning of an ex-ante rule regulation; notes that self-reporting without the ability to audit is not sufficient and therefore, stresses that authorities should have powers to compel data from

dominant platforms and need to be equipped with staff and resources to properly interpret that data;

Or. en

Amendment 458
Maria da Graça Carvalho

Motion for a resolution
Paragraph 28 a (new)

Motion for a resolution

Amendment

28a. Considers that access to these platforms by other business actors shall be ensured in a fair way, avoiding discrimination and self-preferencing practices and the violation of normative regulatory principles; considers that the Commission in coordination with national regulatory authorities should establish mechanisms to conduct regular fully fledged market investigations on gatekeeper platforms to assess their compliance with Union competition laws and impose remedies when needed;

Or. en

Amendment 459
Andrey Kovatchev

Motion for a resolution
Paragraph 28 a (new)

Motion for a resolution

Amendment

28a. Calls on the Commission to propose asymmetrical ex-ante rules on large platforms with significant network effects, acting as gatekeepers, which would ensure a level-playing field for all digital operators, fair and non-discriminatory access, including a

prohibition of preferential treatment of their own services;

Or. en

Amendment 460

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Paragraph 28 a (new)

Motion for a resolution

Amendment

28a. Underlines that additional ex-ante regulation on small and medium-sized enterprises should be avoided wherever possible and that additional requirements on systemic platforms should not lead to additional requirements for those businesses that use them;

Or. en

Amendment 461

Pablo Arias Echeverría, Pilar del Castillo Vera, Róza Thun und Hohenstein, Tomislav Sokol, Maria da Graça Carvalho, Pascal Arimont, Romana Tomc, Andreas Schwab

Motion for a resolution

Paragraph 28 a (new)

Motion for a resolution

Amendment

28a. Believes that the ex-ante regulatory instrument should ensure fair trading conditions on all platforms, including possible additional requirements – for example, a list of obligations /prohibitions – for those that play a gatekeeper role;

Or. en

Amendment 462
Alexandra Geese
on behalf of the Greens/EFA Group
Karen Melchior

Motion for a resolution
Paragraph 28 a (new)

Motion for a resolution

Amendment

28a. Calls on the Commission to introduce an obligation for systemic platforms to unbundle hosting and content moderation activities thereby allowing third parties to offer content moderation or curation services to the platforms' users;

Or. en

Amendment 463
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Paragraph 28 b (new)

Motion for a resolution

Amendment

28b. Underlines that interoperability between competing or complementary products and services is key in a free and competitive market to enable choice for users and innovative services, and allow them to easily communicate with users of other providers' services, thereby incentivising systemic platforms to improve their service quality;

Or. en

Amendment 464
Alexandra Geese
on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution
Paragraph 28 c (new)

Motion for a resolution

Amendment

28c. Calls on the Commission to introduce an obligation for systemic intermediaries with significant market power to make available and document tools to allow third-parties to interoperate with their main functionalities or to act on an user's behalf, whereby intermediaries may not share, retain, monetize, or use any of the data they receive in the context of interoperability activities from third-parties, and intermediaries and third parties must protect users' privacy and must respect the GDPR and other relevant Union legislation;

Or. en

Amendment 465
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Paragraph 28 d (new)

Motion for a resolution

Amendment

28 d. Recommends that providers which support a single sign-on service with a dominant market share should be required to also support at least one open and federated identity system based on a non-proprietary framework;

Or. en

Amendment 466
Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution
Paragraph 29

Motion for a resolution

29. Believes that, in view of the cross-border nature of digital services, effective supervision and cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act;

Amendment

29. Believes that, in view of the cross-border nature of digital services, effective supervision and cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act; ***stresses therefore, that it is not only necessary that competent authorities of the country of destination receive all the data required for public administration to fulfil their tasks needed to enforce law, but considers necessary to enlarge the derogations from article 3 in the Annex by adding provisions related to tax and housing policies;***

Or. en

Amendment 467
Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 29

Motion for a resolution

29. ***Believes that, in view of the cross-border nature of digital services, effective supervision and cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act;***

Amendment

29. ***Welcomes the Commission intention to introduce as part of the future Digital Services Act, targeted ex ante regulation to tackle systemic issues specific to digital markets as well as a tool to prevent market tipping; stresses the intrinsic complementarity between internal market regulation and competition policy, as emphasised in the report by the Commission's special advisers entitled Competition Policy for the Digital Era';***

Or. en

Amendment 468

Maria-Manuel Leitão-Marques, Adriana Maldonado López, Clara Aguilera, Brando Benifei

Motion for a resolution

Paragraph 29

Motion for a resolution

29. Believes that, in view of the cross-border nature of digital services, effective supervision and cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act;

Amendment

29. Believes that, in view of the cross-border nature of digital services, effective supervision and cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act; ***believes that the development of interoperable systems for data sharing can be a valuable tool for strengthening the supervision and enforcement of the Digital Services Act, building mutually beneficial cooperation;***

Or. en

Amendment 469

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Paragraph 29

Motion for a resolution

29. Believes that, in view of the cross-border nature of digital services, effective ***supervision and*** cooperation between Member States is key to ***ensuring*** the proper enforcement of the Digital Services Act;

Amendment

29. Believes that, in view of the cross-border nature of digital services, effective cooperation between Member States, ***including sharing the best practices,*** is key to ***ensure*** the proper enforcement of the Digital Services Act;

Or. en

Amendment 470

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Paragraph 29

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Motion for a resolution

29. Believes that, in view of the cross-border nature of digital services, effective **supervision and** cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act;

Amendment

29. Believes that, in view of the cross-border nature of digital services, effective cooperation between Member States is key to ensuring the proper enforcement of the Digital Services Act;

Or. fr

Amendment 471

Pablo Arias Echeverría, Pilar del Castillo Vera, Tomislav Sokol, Andrey Kovatchev, Romana Tomc, Andreas Schwab

Motion for a resolution

Paragraph 29 a (new)

Motion for a resolution

Amendment

(a) Believes that the root cause of the remaining unjustified obstacles in the digital single market stem from different regulatory choices at Union and at national level, imperfect or inadequate transposition, implementation and enforcement of Union legislation, insufficient administrative capacity and practices in Member States, as well as from protectionist measures carried out by Member States; calls on the Commission to address those causes in close cooperation with Member States;

Or. en

Amendment 472

Geoffroy Didier

Motion for a resolution

Paragraph 29 a (new)

Motion for a resolution

Amendment

29a. *Stresses that, taking into account national specificities in the field of online justice, and in order to improve coordination and reduce disparities between Member States, cooperation and exchange mechanisms should be set up between national regulatory authorities;*

stresses that, with regard to illegal and harmful content, the Member States must be fully involved, in so far as assessments of the legality of content vary according to the State;

Or. fr

Amendment 473

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

Motion for a resolution
Paragraph 30

Motion for a resolution

Amendment

30. *Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;*

deleted

Or. en

Amendment 474

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 30

Motion for a resolution

Amendment

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers; **deleted**

Or. en

Amendment 475

Marion Walsmann, Christian Doleschal, Maria da Graça Carvalho

Motion for a resolution
Paragraph 30

Motion for a resolution

Amendment

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers; **deleted**

Or. en

Amendment 476

Eugen Jurzyca

Motion for a resolution
Paragraph 30

Motion for a resolution

Amendment

30. Considers that a central regulatory authority should be established which **deleted**

should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Or. en

Amendment 477
Kris Peeters

Motion for a resolution
Paragraph 30

Motion for a resolution

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Amendment

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers; *believes it should investigate whether and how digital service providers amplify illegal content through their use of algorithms; considers that the transparency reports drawn up by digital service providers should be made available to this regulatory authority, which should be tasked with providing a structured analysis of illegal content removal and blocking at Union level;*

Or. en

Amendment 478
Dita Charanzová, Ivars Ijabs, Andrus Ansip, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 30

Motion for a resolution

30. **Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;**

Amendment

30. **Asks the Member States to strengthen national regulatory authorities with the financial means and staff to allow for full oversight of online intermediaries established within their territories; believes that the Commission, through the Joint Research Centre, should be empowered to provide expert assistance to the Member States, upon request, towards the analysis of technological, administrative, or other matters in relation to the Digital Single Market legislative enforcement; encourages the Member States to pool and share best practices between national regulators, and to grant regulators legal authority to communicate between themselves in a secure manner;**

Or. en

Amendment 479

Pilar del Castillo Vera

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Amendment

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers; **stresses however that the Body of European Regulators in Electronic Communications should play a major role in identifying relevant markets and significant market power and in imposing ex ante remedies;**

Or. en

Amendment 480

Pablo Arias Echeverría, Pilar del Castillo Vera, Tomislav Sokol, Andrey Kovatchev, Romana Tomc, Maria da Graça Carvalho, Marion Walsmann, Kris Peeters

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Amendment

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with ***strong*** investigation and enforcement powers; ***stresses that cooperation between national as well as other Member States' authorities, civil society and consumer organisations is of utmost importance for achieving effective enforcement;***

Or. en

Amendment 481

Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Clara Aguilera, Maria Grapini

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Amendment

30. Considers that a central regulatory authority should be established which should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with ***the appropriate*** investigation and enforcement powers ***needed to act and to promote cooperation between Member States in compliance with their respective national legislation;***

Amendment 482
Andreas Schwab

Motion for a resolution
Paragraph 30

Motion for a resolution

30. Considers that ***a central regulatory authority should be established which*** should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Amendment

30. Considers that ***the Commission*** should be responsible for the oversight and compliance with the Digital Services Act and have supplementary powers to tackle cross-border issues; it should be entrusted with investigation and enforcement powers;

Amendment 483
Alexandra Geese
on behalf of the Greens/EFA Group
Alex Agius Saliba, Marcel Kolaja

Motion for a resolution
Paragraph 30 a (new)

Motion for a resolution

30a. Underlines that part of the investigative powers of the authority should be the right to conduct audits; considers in this regard that it is essential for the software documentation, the algorithms and data sets used to be fully accessible to the authority, while respecting Union law;

Amendment

Amendment 484

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

Motion for a resolution
Paragraph 30 a (new)

Motion for a resolution

Amendment

30a. *Notes that over the years national authorities managed and solved critical aspects related to the evolution of e-commerce in an effective but fragmented way within the Union; stresses that a consistent approach between Member States is desirable;*

Or. en

Amendment 485

Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Paragraph 30 b (new)

Motion for a resolution

Amendment

30b. *Stresses that next to corrective powers, part of the enforcement powers of the authority should also be the right to issue fines of up to 30 000 000 EUR, or in the case of an undertaking, up to 5 % of the total worldwide annual turnover;*

Or. en

Amendment 486

Andreas Schwab

Motion for a resolution
Paragraph 31

Motion for a resolution

Amendment

31. Takes the view that the central regulatory authority should prioritise cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

deleted

Or. en

Amendment 487

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

Motion for a resolution
Paragraph 31

Motion for a resolution

Amendment

31. Takes the view that the central regulatory authority should prioritise cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

deleted

Or. en

Amendment 488

Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Paragraph 31

Motion for a resolution

Amendment

31. Takes the view that the central

31. Takes the view that the central

regulatory authority should *prioritise* cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

regulatory authority should *facilitate* cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs); *notes that the authority should be responsible in case of different decisions in more than one Member State, as well as at the request of the majority of the NEBs;*

Or. en

Amendment 489
Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Paragraph 31

Motion for a resolution

31. *Takes the view that the central regulatory authority should prioritise* cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Amendment

31. *Calls for a better* cooperation between Member States to address complex cross-border issues by working in close cooperation with *national regulators and supervisors as well as with existing* network of independent National Enforcement Bodies(NEBs) *or the European Consumer Centres Network;*

Or. en

Amendment 490
Marion Walsmann, Christian Doleschal, Maria da Graça Carvalho

Motion for a resolution
Paragraph 31

Motion for a resolution

31. Takes the view that the *central regulatory authority* should *prioritise cooperation between Member States to* address complex cross-border issues by working in close cooperation with a

Amendment

31. Takes the view that the *Commission* should address complex cross-border issues by working in close cooperation with a network of independent

network of independent National Enforcement Bodies (NEBs);

National Enforcement Bodies (NEBs);

Or. en

Amendment 491

Clara Ponsatí Obiols

Motion for a resolution

Paragraph 31

Motion for a resolution

31. Takes the view that the central regulatory authority should prioritise cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Amendment

31. Takes the view that the central regulatory authority should prioritise cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National **and Regional** Enforcement Bodies (NEBs);

Or. en

Amendment 492

Eugen Jurzyca

Motion for a resolution

Paragraph 31

Motion for a resolution

31. Takes the view that the **central regulatory authority** should **prioritise** cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Amendment

31. Takes the view that the **Commission** should **facilitate the dialogue and thus help** cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Or. en

Amendment 493

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Liesje

Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Paragraph 31

Motion for a resolution

31. Takes the view that ***the central regulatory authority*** should prioritise cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Amendment

31. Takes the view that ***national regulators*** should prioritise cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Or. en

Amendment 494

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Paragraph 31 a (new)

Motion for a resolution

Amendment

31a. Calls for the board to facilitate the creation and maintenance of a European research repository that would combine data from multiple platforms to facilitate appeals processes and enable regulators, researchers and NGOs to review and analyse platform decisions;

Or. en

Amendment 495

Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit,

Jean-Lin Lacapelle

on behalf of the ID Group

Alessandra Basso

Motion for a resolution

Paragraph 31 a (new)

Motion for a resolution

Amendment

31a. Considers that a network of independent National Enforcement Bodies (NEBs) on DSA should be reinforced;

Or. en

Amendment 496

Alexandra Geese

on behalf of the Greens/EFA Group

Motion for a resolution

Paragraph 31 b (new)

Motion for a resolution

Amendment

31b. Calls for the establishment of socially representative and diverse, in particular gender balanced, co-regulatory social media councils as a multi-stakeholder mechanism, which would provide for an open, transparent, accountable and participatory forum to address content moderation principles; considers that these social media councils should issue guidance, opinions and expertise;

Or. en

Amendment 497

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Paragraph 32

Motion for a resolution

Amendment

32. Calls on the Commission to strengthen and modernise the current provisions on out-of-court settlement and

32. Calls on the Commission to strengthen and modernise the current provisions on out-of-court settlement and

court actions to allow for *an effective enforcement and* consumer redress;

court actions to allow for consumer redress; *underlines that such measures should seek to support consumers that do not have the financial or legal means to use the court system and should not weaken the legal protections of small businesses and traders that national legal systems provide;*

Or. en

Amendment 498

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Calls on the Commission to strengthen and modernise the current provisions on out-of-court settlement and court actions to allow for an effective enforcement and consumer redress;

Amendment

32. Calls on the Commission *to gather information on all alternative dispute settlement solutions in Member States, provide data on their functioning and analyse whether there is a need and a possibility* to strengthen and modernise the current provisions on out-of-court settlement and court actions to allow for an effective enforcement and consumer redress;

Or. en

Amendment 499

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Calls on the Commission to *strengthen* and *modernise* the current provisions on out-of-court settlement and court actions to allow for an effective

Amendment

32. Calls on the Commission to *extend to digital services, online markets and consumer protection* the current provisions on out-of-court settlement and court actions to allow for an effective

enforcement and consumer redress;

enforcement and consumer redress *and to harmonise the redress mechanisms present in Union law*;

Or. fr

Amendment 500

Alex Agius Saliba, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Brando Benifei, Maria Grapini, Andreas Schieder, Evelyne Gebhardt

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Calls on the Commission to strengthen and modernise the *current provisions on* out-of-court settlement *and* court actions to allow for an effective enforcement and consumer redress;

Amendment

32. Calls on the Commission to strengthen and modernise the *existing Union framework for* out-of-court settlement *under the E-Commerce Directive, taking into account developments under Directive 2013/11/EU, as well as* court actions to allow for an effective enforcement and consumer redress;

Or. en

Amendment 501

Monika Beňová

Motion for a resolution

Paragraph 32 a (new)

Motion for a resolution

(1) Invites the Commission to work towards tax-harmonisation which can be considered as an instrument for improvement of cross-border financial activities and thus the functioning of the entire single market; stresses that the market actors should be paying taxes where their economic activity occurs;

Or. en

Amendment 502

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Paragraph 32 a (new)

Motion for a resolution

Amendment

32a. Calls on national regulators and the Commission to provide further advice and assistance to EUSMEs about their rights;

Or. en

Amendment 503

Eugen Jurzyca

Motion for a resolution

Annex I – part -I (new)

Motion for a resolution

Amendment

-I. Provided that relevant data and analyses support so, the Digital Services Act package should be based on these recommendations;

Or. en

Amendment 504

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part -I (new)

Motion for a resolution

Amendment

-I The Digital Services Act package should be evidence-based and its impact assessment should inter alia include quantification of the financial burden on

Amendment 505

Alex Agius Saliba, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Brando Benifei, Andreas Schieder, Marc Angel, Sándor Rónai, Evelyne Gebhardt, Biljana Borzan

Motion for a resolution

Annex I – part I – paragraph 1

Motion for a resolution

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, including the improvement of users' safety online;

Amendment

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services ***and the freedom to conduct a business***, while at the same time guaranteeing a high level of consumer protection, including the improvement of users' safety online;

Amendment 506

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part I – paragraph 1

Motion for a resolution

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, including the improvement of users' safety online;

Amendment

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, including the improvement of users' ***rights, freedoms and*** safety online;

Amendment 507

Pablo Arias Echeverría, Pilar del Castillo Vera, Róza Thun und Hohenstein, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Kris Peeters, Romana Tomc, Andreas Schwab

Motion for a resolution

Annex I – part I – paragraph 1

Motion for a resolution

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, **including** the improvement of users' safety online;

Amendment

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, **and** the improvement of users' safety online;

Or. en

Amendment 508

Eugen Jurzyca

Motion for a resolution

Annex I – part I – paragraph 1

Motion for a resolution

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time **guaranteeing a high level of** consumer **protection**, including the improvement of users' safety online;

Amendment

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time **maximizing** consumer **welfare**, including the improvement of users' safety online;

Or. en

Amendment 509

Pablo Arias Echeverría, Pilar del Castillo Vera, Tomislav Sokol, Andrey Kovatchev, Maria da Graça Carvalho, Pascal Arimont, Romana Tomc, Anna-Michelle Asimakopoulou, Andreas Schwab

Motion for a resolution
Annex I – part I – paragraph 1 a (new)

Motion for a resolution

Amendment

The Digital Services Act should contribute to the removal of the existing unjustified obstacles to the digital single market, which many times arise from protectionist measures by Member States, as well as ensuring that no new barriers are created;

Or. en

Amendment 510
Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol

Motion for a resolution
Annex I – part I – paragraph 2

Motion for a resolution

Amendment

The Digital Services Act should guarantee that online and offline ***economic*** activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online”;

The Digital Services Act should guarantee that online and offline activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online”; ***this principle does not however exclude that due to specific nature of online environment and easiness to manipulate with users on mass scale, certain activities allowed offline might not be allowed online;***

Or. en

Amendment 511
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part I – paragraph 2

Motion for a resolution

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online”;

Amendment

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online” ***and that all rights and freedoms offline should also be guaranteed online;***

Or. en

Amendment 512

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Annex I – part I – paragraph 2

Motion for a resolution

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online”;

Amendment

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online” ***and equally “what is legal offline is also legal online”;***

Or. en

Amendment 513

Eugen Jurzyca

Motion for a resolution

Annex I – part I – paragraph 2

Motion for a resolution

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal

Amendment

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal

online”;

online” *and “what is legal offline is also legal online”;*

Or. en

Amendment 514

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part I – paragraph 3

Motion for a resolution

The Digital Services Act should provide consumers and economic operators, especially micro, small and medium-sized enterprises, with legal certainty and transparency;

Amendment

The Digital Services Act should provide consumers and economic operators, especially micro, small and medium-sized enterprises, with legal certainty and transparency, *support innovation while reducing barriers to market entry and provision of services, including regulatory barriers;*

Or. en

Amendment 515

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part I – paragraph 3

Motion for a resolution

The Digital Services Act should provide consumers and economic operators, especially micro, small and medium-sized enterprises, with legal certainty and transparency;

Amendment

The Digital Services Act should provide consumers and economic operators, especially micro, small and medium-sized enterprises, with legal certainty and transparency *and should not apply a "one-size-fits-all" approach;*

Or. en

Amendment 516

Róża Thun und Hohenstein, Andrey Kovatchev, Tomislav Sokol

Motion for a resolution
Annex I – part I – paragraph 3

Motion for a resolution

The Digital Services Act should provide **consumers** and economic operators, especially micro, small and medium-sized enterprises, with legal certainty and transparency;

Amendment

The Digital Services Act should provide **customers** and economic operators, especially micro, small and medium-sized enterprises, with legal certainty and transparency;

Or. en

Amendment 517
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part I – paragraph 4

Motion for a resolution

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness **and free speech**;

Amendment

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness , **freedom of expression and the right to an effective remedy**;

Or. en

Amendment 518
Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Annex I – part I – paragraph 4

Motion for a resolution

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination,

Amendment

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination,

dignity, fairness and free speech;

dignity, fairness, *intellectual property rights* and free speech;

Or. en

Amendment 519

Eugen Jurzyca

Motion for a resolution

Annex I – part I – paragraph 4

Motion for a resolution

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness and *free* speech;

Amendment

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness and *freedom of expression and* speech;

Or. en

Amendment 520

Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit,

Jean-Lin Lacapelle

on behalf of the ID Group

Alessandra Basso

Motion for a resolution

Annex I – part I – paragraph 4

Motion for a resolution

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness and *free speech*;

Amendment

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness and *freedom of expression*;

Or. en

Amendment 521

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part I – paragraph 4

Motion for a resolution

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness and free speech;

Amendment

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, **data**, non-discrimination, dignity, fairness and free speech;

Or. en

Amendment 522

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher

Motion for a resolution

Annex I – part I – paragraph 5

Motion for a resolution

The Digital Services Act should build upon the rules currently applicable to online platforms, namely the E-Commerce Directive and the Platform to Business Regulation¹.

Amendment

The Digital Services Act should build upon the rules currently applicable to online platforms, namely the E-Commerce Directive and the Platform to Business Regulation¹ ***while refraining from proposing measures that were rejected by the co-legislators during its negotiation.***

¹ Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

¹ Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

Or. en

Amendment 523
Eugen Jurzyca

Motion for a resolution
Annex I – part I – paragraph 5

Motion for a resolution

The Digital Services Act should build upon the rules currently applicable to online platforms, namely the E-Commerce Directive **and the Platform to Business Regulation¹**.

Amendment

The Digital Services Act should build upon the rules currently applicable to online platforms, namely the E-Commerce Directive, **including the country of origin principle**.

¹ *Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).*

Or. en

Amendment 524
Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Romana Tomc, Andreas Schwab

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – introductory part

Motion for a resolution

- a comprehensive revision of the E-Commerce Directive consisting of:

Amendment

- a comprehensive revision of the E-Commerce Directive, **in the form of a Directive, based on Articles 53(1), 62 and 114 TFEU**, consisting of;

Or. en

Amendment 525
Eugen Jurzyca

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – introductory part

Motion for a resolution

- a **comprehensive** revision of the E-Commerce Directive consisting of:

Amendment

- a revision of the E-Commerce Directive consisting of:

Or. en

Amendment 526

Maria Grapini, Clara Aguilera, Adriana Maldonado López

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – subi. 1

Motion for a resolution

- a revised framework with clear due diligence transparency and information obligations;

Amendment

- a revised framework with clear due diligence transparency and information obligations **for all types of digital services**;

Or. en

Amendment 527

Salvatore De Meo

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – subi. 1

Motion for a resolution

- a revised framework with clear due diligence transparency and information **obligations**;

Amendment

- a revised framework with clear due diligence **obligations, including with regards to** transparency and information;

Or. en

Amendment 528

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – subi. 1

Motion for a resolution

- a revised framework with clear due diligence transparency and information **obligations**;

Amendment

- a revised framework with clear due diligence **obligations, including on** transparency and information;

Or. en

Amendment 529

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 1

Motion for a resolution

- a revised framework with clear **due diligence** transparency and information obligations;

Amendment

- a revised framework with clear transparency and information obligations;

Or. en

Amendment 530

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 2

Motion for a resolution

- clear and detailed procedures and measures **related to the removal of** illegal content online, including a harmonised legally-binding European notice-and action mechanism;

Amendment

- clear and detailed procedures and measures **to effectively tackle and remove** illegal content online, including **by** a harmonised legally-binding European notice-and action mechanism **complemented with a stay-down obligation**;

Or. en

Amendment 531
Geoffroy Didier

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – subi. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised legally-binding European notice-and action mechanism;

Amendment

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised legally-binding European notice-and action mechanism *involving national authorities*;

Or. fr

Amendment 532
Salvatore De Meo

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – subi. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised legally-binding European notice-and action mechanism;

Amendment

- clear and detailed procedures and measures related to the *prevention, removal, and disabling* of illegal content online, including a harmonised legally-binding European notice-and action mechanism;

Or. en

Amendment 533
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – subi. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal

Amendment

- clear and detailed procedures and measures related to the removal of illegal

content online, including a harmonised legally-binding European notice-and action mechanism;

content online, including a *differentiated*, harmonised legally-binding European notice-and action mechanism;

Or. en

Amendment 534

Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol, Krzysztof Hetman

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised legally-binding European notice-and action mechanism;

Amendment

- clear and detailed procedures and measures related to the removal of illegal *and harmful* content online, including a harmonised legally-binding European notice-and action mechanism;

Or. en

Amendment 535

Beata Mazurek, Anđelika Anna Moźdzanowska

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised *legally-binding* European *notice-and action mechanism*;

Amendment

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised European *notice-and-take- down and counter-notice mechanisms*;

Or. en

Amendment 536

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal content online, including a **harmonised legally-binding** European notice-and action mechanism;

Amendment

- clear and detailed procedures and measures related to the removal of illegal content online, including a **code of conduct on** European notice-and-action mechanism;

Or. en

Amendment 537

Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 3

Motion for a resolution

- effective supervision, cooperation and sanctions;

Amendment

- effective supervision, cooperation and sanctions **which are proportionate, effective and dissuasive with regard to the systemic failure in question;**

Or. en

Amendment 538

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – sub. 3

Motion for a resolution

- effective supervision, cooperation **and** sanctions;

Amendment

- effective **national** supervision, cooperation **among Member States and proportionate** sanctions **with the preference for behavioural remedies;**

Or. en

Amendment 539
Geoffroy Didier

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – sub. 3

Motion for a resolution

- effective supervision, cooperation and sanctions;

Amendment

- effective **and dissuasive** supervision, cooperation and sanctions;

Or. fr

Amendment 540
Salvatore De Meo

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – sub. 3

Motion for a resolution

- effective supervision, cooperation and sanctions;

Amendment

- effective supervision, cooperation and **deterrent** sanctions;

Or. en

Amendment 541
Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Annex I – part I – paragraph 6 – indent 1 – sub. 3

Motion for a resolution

- effective supervision, cooperation and sanctions;

Amendment

- effective supervision, cooperation and **deterrent** sanctions;

Or. en

Amendment 542
Beata Mazurek, Eugen Jurzyca, Andżelika Anna Moździanowska

Motion for a resolution

Annex I – part I – paragraph 6 – indent 2

Motion for a resolution

- an internal market legal instrument imposing ex-ante obligations on large platforms with a gatekeeper role in the digital ecosystem, complemented by an effective institutional enforcement mechanism.

Amendment

- an internal market legal instrument imposing ex-ante obligations on large platforms ***irrespective of their country of origin*** with a gatekeeper role in the digital ecosystem, complemented by an effective institutional enforcement mechanism, ***where there are proven market failures and where it has been proven that large platforms undermine the EU competition principles.***

Or. en

Amendment 543

Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Maria da Graça Carvalho, Pascal Arimont, Romana Tomc, Andreas Schwab

Motion for a resolution

Annex I – part I – paragraph 6 – indent 2

Motion for a resolution

- an internal market legal instrument imposing ex-ante obligations on large platforms with a gatekeeper role in the digital ecosystem, complemented by an effective institutional enforcement mechanism.

Amendment

- an internal market legal instrument ***in the form of a Regulation, based on Article 114 TFEU***, imposing ex-ante obligations on large platforms with a gatekeeper role in the digital ecosystem, complemented by an effective institutional enforcement mechanism.

Or. en

Amendment 544

Petra Kammerevert

Motion for a resolution

Annex I – part I – paragraph 6 – indent 2

Motion for a resolution

- an internal market legal instrument imposing ex-ante obligations on **large** platforms with a gatekeeper role in the digital ecosystem, complemented by an effective institutional enforcement mechanism.

Amendment

- an internal market legal instrument imposing ex-ante obligations on **dominant** platforms with a gatekeeper role in the digital ecosystem, complemented by an effective institutional enforcement mechanism.

Or. de

Amendment 545

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part I – paragraph 6 – indent 2

Motion for a resolution

- an internal market legal instrument imposing ex-ante obligations on large platforms with a gatekeeper role in the digital ecosystem, complemented by an effective **institutional** enforcement mechanism.

Amendment

- an internal market legal instrument imposing ex-ante obligations on large platforms with a **confirmed** gatekeeper role in the digital ecosystem, complemented by an effective enforcement mechanism.

Or. en

Amendment 546

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part I – paragraph 6 a (new)

Motion for a resolution

Amendment

Digital services legislation should assume the form of a directive.

Or. fr

Amendment 547

Evelyne Gebhardt, Monika Beňová, Andreas Schieder, Adriana Maldonado López

Motion for a resolution

Annex I – part II – paragraph 1

Motion for a resolution

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, which are not covered by specific legislation;

Amendment

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, which are not covered by specific legislation; ***to ensure the principle of “what is illegal offline is also illegal online” to those digital services covered by the Services Directive, the country of destination principle as stipulated in the Services Directive should apply;***

Or. en

Amendment 548

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part II – paragraph 1

Motion for a resolution

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive ***and apply not only to online platforms but to all digital services, which are not covered by specific legislation;***

Amendment

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive;

Or. en

Amendment 549

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

Motion for a resolution
Annex I – part II – paragraph 1

Motion for a resolution

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, which are not covered by specific legislation;

Amendment

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, which are not covered by specific legislation ***and which are targeted at the general public;***

Or. en

Amendment 550

Róza Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol

Motion for a resolution
Annex I – part II – paragraph 1

Motion for a resolution

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, ***which are not covered by specific legislation;***

Amendment

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services;

Or. en

Amendment 551

Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part II – paragraph 1

Motion for a resolution

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, ***which are not covered by specific*** legislation;

Amendment

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, ***complementing other*** legislation;

Or. en

Amendment 552

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Annex I – part II – paragraph 1 a (new)

Motion for a resolution

Amendment

Digital services which are closed in nature and offered in a purely business to business relationship should not be subject to the same requirements as services which are targeted at the general public or at consumers;

Or. en

Amendment 553

Eugen Jurzyca

Motion for a resolution

Annex I – part II – paragraph 2

Motion for a resolution

Amendment

The territorial scope of the future Digital Services Act should be extended to cover also the activities of companies and service providers established in third countries, when they offer services or

deleted

goods to consumers or users in the Union;

Or. en

Amendment 554

Maria-Manuel Leitão-Marques, Adriana Maldonado López, Clara Aguilera, Sylvie Guillaume, Marc Angel

Motion for a resolution

Annex I – part II – paragraph 2

Motion for a resolution

The territorial scope of the future Digital Services Act should be extended to cover also the activities of companies and service providers established in third countries, when they offer services or goods to consumers or users in the Union;

Amendment

The territorial scope of the future Digital Services Act should be extended to cover also the activities of companies and service providers established in third countries, when they offer services or goods to consumers or users in the Union; *for online marketplaces, such a provision should be complemented by an obligation for platforms to check whether suppliers from outside the EU which target European consumers either have set up a branch in the EU or have appointed a person responsible in the EU; if the trader does not meet this obligation and the platform is proven to have failed to verify compliance of this obligation, the platform should be liable for damages and guarantees, without prejudice to the possibility to seek redress to the trader a posteriori;*

Or. en

Amendment 555

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part II – paragraph 2

Motion for a resolution

The territorial scope of the future Digital Services Act should be extended to cover also the activities of **companies and service providers** established in third countries, **when they offer** services or goods to consumers or users in the Union;

Amendment

The territorial scope of the future Digital Services Act should be extended to cover also the activities of **information society services** established in third countries, **where their activities are related to the offering of** services or goods to consumers or users in the Union, **irrespective of whether a payment is required, or the monitoring of their behaviour as far as their behaviour takes place within the Union**;

Or. en

Amendment 556

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Annex I – part II – paragraph 2

Motion for a resolution

The territorial scope of the future Digital Services Act should be extended to cover also the activities of companies and service providers established in third countries, when they **offer** services or goods to consumers or users in the Union;

Amendment

The territorial scope of the future Digital Services Act should be extended to cover also the activities of companies and service providers established in third countries, when they **target or direct** services or goods to consumers or users in the Union;

Or. en

Amendment 557

Eugen Jurzyca

Motion for a resolution

Annex I – part II – paragraph 3

Motion for a resolution

The Digital Services Act should maintain the derogation set out in the Annex of the

Amendment

The Digital Services Act should maintain the derogation set out in the Annex of the

E-Commerce Directive ***and, in particular, the derogation of contractual obligations concerning consumer contracts;***

E-Commerce Directive;

Or. en

Amendment 558

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher

Motion for a resolution

Annex I – part II – paragraph 3

Motion for a resolution

The Digital Services Act should ***maintain*** the derogation set out in the Annex of the E-Commerce Directive ***and, in particular,*** the derogation of contractual obligations concerning consumer contracts;

Amendment

The Digital Services Act should ***review*** the derogation set out in the Annex of the E-Commerce Directive, ***and, if deemed necessary, revise them, while maintaining*** the derogation of contractual obligations concerning consumer contracts;

Or. en

Amendment 559

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part II – paragraph 3

Motion for a resolution

The Digital Services Act should maintain the derogation set out in the Annex of the E-Commerce Directive and, in particular, the derogation of contractual obligations concerning consumer contracts;

Amendment

The Digital Services Act should maintain ***and consider extending*** the derogation set out in the Annex of the E-Commerce Directive and, in particular, the derogation of contractual obligations concerning consumer contracts;

Or. en

Amendment 560

Beata Mazurek, Andżelika Anna Moździanowska

Motion for a resolution
Annex I – part II – paragraph 4

Motion for a resolution

The Digital Services Act should maintain the possibility for Member States to set a higher level of consumer protection and pursue legitimate public interest objectives in accordance with EU law;

Amendment

The Digital Services Act should maintain the possibility for Member States ***to notify the Commission of its intention*** to set a higher level of consumer protection and pursue legitimate public interest objectives, ***where it is necessary and proportionate to do so***, in accordance with EU ***and national*** law;

Or. en

Amendment 561

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

Motion for a resolution
Annex I – part II – paragraph 4

Motion for a resolution

The Digital Services Act should maintain ***the possibility for Member States to set a higher*** level of consumer protection ***and pursue legitimate public interest objectives*** in accordance with EU law;

Amendment

The Digital Services Act should ***seek to further harmonise consumer protection across the Union, in alignment with Directive (EU) 2019/770 and Directive (EU) 2019/771 and to maintain a high*** level of consumer protection in accordance with EU law;

Or. en

Amendment 562

Eugen Jurzyca, Adam Bielan

Motion for a resolution
Annex I – part II – paragraph 4

Motion for a resolution

The Digital Services Act should maintain

Amendment

The Digital Services Act should maintain

the possibility for Member States to set **a higher** level of consumer protection and pursue legitimate public interest objectives in accordance with EU law;

the possibility for Member States to set **an effective** level of consumer protection, **maximizing consumer welfare** and pursue legitimate public interest objectives in accordance with EU law;

Or. en

Amendment 563

Arba Kokalari

Motion for a resolution

Annex I – part II – paragraph 4

Motion for a resolution

The Digital Services Act should **maintain the possibility for Member States to set a higher level of consumer protection and pursue legitimate public interest objectives in accordance with EU law;**

Amendment

The Digital Services Act should **be proposed as a regulation to ensure the highest possible degree of harmonisation and to reduce the risk of fragmentation of the internal market;**

Or. sv

Amendment 564

Andreas Schieder, Adriana Maldonado López, Clara Aguilera, Maria Grapini

Motion for a resolution

Annex I – part II – paragraph 4 a (new)

Motion for a resolution

Amendment

The Digital Services Act should extend the derogation set out in the Annex of the E-Commerce Directive in order to safeguard public interests and to ensure the appropriate legal enforcement on national and regional level;

Or. en

Amendment 565

Geoffroy Didier

Motion for a resolution
Annex I – part II – paragraph 5 a (new)

Motion for a resolution

Amendment

Digital services legislation should clarify the distinction between the different types of content hosting intermediaries, which would in particular allow a distinction to be made between passive hosts and active platforms;

Or. fr

Amendment 566
Arba Kokalari

Motion for a resolution
Annex I – part II – paragraph 6

Motion for a resolution

Amendment

The Digital Services Act should also clarify in a coherent way how its provisions interact with recently adopted rules on geo-blocking, product safety, and consumer protection among others;

The Digital Services Act should also clarify in a coherent way how its provisions interact with recently adopted rules on geo-blocking, product safety, ***links between platforms and undertakings, market surveillance*** and consumer protection among others; ***future initiatives such as the regulation of AI should also be taken into account;***

Or. sv

Amendment 567
Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution
Annex I – part II – paragraph 6

Motion for a resolution

Amendment

The Digital Services Act should also clarify in a coherent way how its

The Digital Services Act should also clarify in a coherent way how its

provisions interact with recently adopted rules on geo-blocking, product safety, and consumer protection among others;

provisions interact with recently adopted rules on geo-blocking, product safety, ***platforms to business relations*** and consumer protection, among others, ***and other anticipated initiatives such as AI regulation***;

Or. en

Amendment 568

Marcel Kolaja

Motion for a resolution

Annex I – part II – paragraph 7

Motion for a resolution

The Digital Services Act should apply without prejudice to the rules set out in other instruments, such as the General Data Protection Regulation² (“GDPR”), ***the Copyright Directive***³ and the Audio Visual Media Services Directive⁴.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

⁴ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media

Amendment

The Digital Services Act should apply without prejudice to the rules set out in other instruments, such as the General Data Protection Regulation² (“GDPR”), and the Audio Visual Media Services Directive⁴.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

⁴ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media

Services Directive) (OJ L 95, 15.4.2010, p. 1).

Services Directive) (OJ L 95, 15.4.2010, p. 1).

Or. en

Amendment 569

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part II – paragraph 7

Motion for a resolution

The Digital Services Act should apply without prejudice to the rules set out in other instruments, such as the General Data Protection Regulation² (“GDPR”), the Copyright Directive³ and the *Audio Visual Media Services Directive*⁴ .

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

⁴ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

Amendment

The Digital Services Act should apply without prejudice to the rules set out in other instruments, such as the General Data Protection Regulation² (“GDPR”), the Copyright Directive³ and the *Audiovisual Media Services Directive*⁴ .

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

⁴ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

Amendment 570
Eugen Jurzyca

Motion for a resolution
Annex I – part III – paragraph 1 – introductory part

Motion for a resolution

In its definitions, the Digital Services Act should:

Amendment

If analyses and impact assessment supports so, in its definitions, the Digital Services Act should:

Amendment 571
Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution
Annex I – part III – paragraph 1 – indent 1

Motion for a resolution

- clarify to what extent “new digital services”, such as social media networks, collaborative economy services, search engines, wifi hotspots, online advertising, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Amendment

- clarify to what extent “new digital services”, such as social media networks, collaborative economy services, search engines, wifi hotspots, online advertising, cloud services, ***app stores***, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Amendment 572
Pablo Arias Echeverría, Pilar del Castillo Vera, Tomislav Sokol, Róza Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Pascal Arimont, Romana Tomc, Andreas Schwab

Motion for a resolution
Annex I – part III – paragraph 1 – indent 1

Motion for a resolution

- clarify **to what extent** “new digital services”, such as social media networks, collaborative economy services, search engines, wifi hotspots, online advertising, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Amendment

- clarify **that** "new digital services", such as social media networks, collaborative economy services, search engines, wifi hotspots, online advertising, **comparison tools**, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Or. en

Amendment 573

Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part III – paragraph 1 – indent 1

Motion for a resolution

- clarify to what extent “new digital services”, such as social media networks, collaborative economy services, search engines, wifi hotspots, online advertising, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Amendment

- clarify **if and** to what extent “new digital services”, such as social media networks, collaborative economy services, search engines, wifi hotspots, online advertising, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Or. en

Amendment 574

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Annex I – part III – paragraph 1 – indent 1

Motion for a resolution

- clarify to what extent “new digital services”, such as social media networks, collaborative economy services, search

Amendment

- clarify to what extent new digital services, such as social media networks, collaborative economy services, search

engines, wifi hotspots, online advertising, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

engines, wifi hotspots, online advertising, cloud services, content delivery networks, and domain name services fall within the scope of the Digital Services Act;

Or. en

Amendment 575

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part III – paragraph 1 – indent 1

Motion for a resolution

- clarify to what extent “**new** digital services”, such as social media networks, collaborative economy services, search engines, **wifi hotspots**, online advertising, cloud services, content delivery networks, **and domain name services** fall within the scope of the Digital Services Act;

Amendment

- clarify to what extent “digital services”, such as social media networks, collaborative economy services, search engines, online advertising, cloud services, **web hosting, messaging services and** content delivery networks fall within the scope of the Digital Services Act;

Or. en

Amendment 576

Arba Kokalari

Motion for a resolution

Annex I – part III – paragraph 1 – indent 2

Motion for a resolution

- clarify the nature of the content hosting intermediaries (text, images, video, or audio content) on the one hand, and commercial online marketplaces (selling physical goods) on the other;

Amendment

- clarify the nature of the content hosting intermediaries (text, images, video, or audio content) on the one hand, and commercial online marketplaces (selling physical goods **or services**) on the other;

Or. sv

Amendment 577

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Annex I – part III – paragraph 1 – indent 2

Motion for a resolution

- clarify the nature of the content hosting intermediaries (text, images, video, or audio content) on the one hand, and commercial online marketplaces (selling physical goods) on the other;

Amendment

- clarify the nature of the content hosting intermediaries (text, images, video, or audio content) on the one hand, and commercial online marketplaces (selling physical **and digital** goods) on the other;

Or. en

Amendment 578

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part III – paragraph 1 – indent 2 a (new)

Motion for a resolution

Amendment

- *clarify the distinction between passive and active hosts taking into account the jurisprudence of the Court of Justice and stipulate the conditions and criteria for hosting intermediaries to be considered active;*

Or. en

Amendment 579

Pablo Arias Echeverría, Pilar del Castillo Vera, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Romana Tomc

Motion for a resolution

Annex I – part III – paragraph 1 – indent 3

Motion for a resolution

- *clearly distinguish between commercial activities and content or*

Amendment

deleted

transactions provided against remuneration, which also cover advertising and marketing practices on the one hand, and non-commercial activities and content on the other;

Or. en

Amendment 580

Eugen Jurzyca

Motion for a resolution

Annex I – part III – paragraph 1 – indent 3

Motion for a resolution

- clearly distinguish between commercial activities and content or transactions provided against remuneration, *which also cover advertising and marketing practices on the one hand, and non-commercial activities and content on the other;*

Amendment

- clearly distinguish between commercial activities and content or transactions provided against remuneration;

Or. en

Amendment 581

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" definition *making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;*

Amendment

- clarify of what falls within the remit of the "illegal content" definition;

Or. en

Amendment 582

Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" ***definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;***

Amendment

- clarify of what falls within the remit of the "illegal content" ***and "illegal activity" definitions;***

Or. en

Amendment 583

Pablo Arias Echeverría, Pilar del Castillo Vera, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Romana Tomc, Edina Tóth, Maria da Graça Carvalho, Anna-Michelle Asimakopoulou, Andreas Schwab

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;

Amendment

- clarify of what falls within the remit of the "illegal content", definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content; ***it is also necessary to clarify what falls under "harmful content" and "disinformation";***

Or. en

Amendment 584
Sarah Wiener, Petra De Sutter

Motion for a resolution
Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of food *or* tobacco products *and* counterfeit medicines, also falls within the definition of illegal content;

Amendment

- clarify of what falls within the remit of the "illegal content" definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of food, *cosmetics*, tobacco products, counterfeit medicines, *or wildlife products and wild and domesticated animals* also falls within the definition of illegal content;

Or. en

Amendment 585
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" definition making it clear that *a* violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;

Amendment

- clarify of what falls within the remit of the "illegal content" definition making it clear that *this includes unlawful offers for sale in* violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;

Or. en

Amendment 586
Maria Grapini, Clara Aguilera

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of ***food or tobacco products and counterfeit medicines***, also falls within the definition of illegal content;

Amendment

- clarify of what falls within the remit of the "illegal content" definition making it clear that a violation of EU rules on consumer protection, product safety or the offer or sale of counterfeit ***products of any type***, also falls within the definition of illegal content;

Or. en

Amendment 587

Andreas Schieder

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4 a (new)

Motion for a resolution

Amendment

- ***clearly distinguish between providers of “information society services” and “hosting providers”, as the providers of “information society services”, which consist of the storage of information provided by a recipient of the service, are not liable for the information stored, under certain conditions;***

Or. en

Amendment 588

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4 a (new)

Motion for a resolution

Amendment

- ***refrain from seeking to define or act upon “harmful content”;***

Amendment 589

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Amendment

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, ***whether the undertaking has a significant impact on the exercise of fundamental rights and freedoms as well as access to information in our society***, etc.

Amendment 590

Pablo Arias Echeverría, Pilar del Castillo Vera, Tomislav Sokol, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Kris Peeters, Romana Tomc, Andreas Schwab

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities

Amendment

- define "systemic operator" by establishing a set of clear economic indicators that allow regulatory authorities

to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

to identify platforms **which enjoy a significant market position** with a "gatekeeper" role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, **or has predominant influence over its users**, the size of its network (number of users), its financial strength, access to **data, accumulation of** data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Or. en

Amendment 591

Alex Agius Saliba, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Brando Benifei, Maria Grapini, Andreas Schieder, Marc Angel, Evelyne Gebhardt

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access **to data**, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Amendment

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), **and the presence of network effects; barriers to entry**, its financial strength **and ability to access data**; vertical integration **and its role as an unavoidable partner** and the importance of its activity for third parties’ access to supply and markets, etc.

Or. en

Amendment 592

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Amendment

- define “systemic operator” by establishing a set of clear economic indicators **and their trends** that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a **problematic** systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users, **user time spent**), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, **any barrier to provision of services by its competitor** etc.

Or. en

Amendment 593

Evelyne Gebhardt, Monika Beňová, Andreas Schieder, Marc Angel, Adriana Maldonado López

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical

Amendment

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users, **market share, share of sold services in total**), its financial

integration, the importance of its activity for third parties' access to supply and markets, etc.

strength, access to data, vertical integration, the importance of its activity for third parties' access to supply and markets, etc.

Or. en

Amendment 594

Róza Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties' access to supply and markets, etc.

Amendment

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, ***or has predominant influence over its users***, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties' access to supply and markets, etc.

Or. en

Amendment 595

Petra Kammerevert

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “***systemic*** operator” ***by establishing a set of clear economic*** indicators that allow regulatory authorities

Amendment

- define “***dominant*** operator” ***restrictively so as to establish*** clear indicators that allow regulatory authorities

to *identify platforms with a “gatekeeper” role playing a systemic role in the online economy*; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

to *avoid “gatekeeper” roles in advance by means of measures to ensure diversity*; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Or. de

Amendment 596

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “*systemic* operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Amendment

- define “*dominant* operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Or. en

Amendment 597

Brando Benifei, Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear ***economic*** indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Amendment

- define “systemic operator” by establishing a set of clear indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Or. en

Amendment 598

Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5 a (new)

Motion for a resolution

Amendment

- ***seek to codify the decisions of the European Court of Justice, where needed, and while having due regard to the main different pieces of legislation which use these definitions;***

Or. en