

8.12.2021

A9-0332/239

Amendment 239

Emmanuel Maurel, Martin Schirdewan
on behalf of The Left Group

Report

A9-0332/2021

Andreas Schwab

Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

Proposal for a regulation

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) Personal data collected or generated by gatekeepers should not be processed for commercial purposes, such as direct marketing, profiling, behaviourally targeted advertising and recommendation systems based on the collection of personal data.

Or. en

8.12.2021

A9-0332/240

Amendment 240
Emmanuel Maurel, Martin Schirdewan
on behalf of The Left Group

Report
Andreas Schwab
Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

A9-0332/2021

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

Text proposed by the Commission

Amendment

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, ***unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679;***

(a) refrain from combining ***and cross-using*** personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data;

Or. en

8.12.2021

A9-0332/241

Amendment 241
Emmanuel Maurel
on behalf of The Left Group

Report
Andreas Schwab
Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

A9-0332/2021

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

Text proposed by the Commission

Amendment

(f) ***refrain from requiring*** business users or end users to subscribe to ***or*** register ***with*** any other core platform services ***identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b)*** as a condition ***to*** access, sign up ***or register to*** any of their core platform services identified pursuant to that Article;

(f) ***not require*** business users or end users to subscribe, to register, ***or to use*** any other core platform services as a condition ***for being able to use,*** access, sign up ***for or registering with*** any of their core platform services identified pursuant to that Article;

Or. en

8.12.2021

A9-0332/242

Amendment 242

Martin Schirdewan, Emmanuel Maurel
on behalf of The Left Group

Report

A9-0332/2021

Andreas Schwab

Digital Markets Act

(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

Proposal for a regulation

Article 5 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) In accordance with Article 9(2)(a) of Regulation (EU) 2016/679 not avail themselves of consent as a legal ground for processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data, person's sex life or sexual orientation and health, in order to target natural persons for commercial purposes such as digital advertising.

Or. en

8.12.2021

A9-0332/243

Amendment 243
Emmanuel Maurel
on behalf of The Left Group

Report
Andreas Schwab
Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

A9-0332/2021

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Where consent for collecting **and** processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to **either** enable business users to directly obtain the required consent to their processing, where required **under Regulation (EU) 2016/679 and Directive 2002/58/EC, or** to comply with Union data protection and privacy rules and principles **in other ways including by providing business users with duly anonymised data where appropriate**. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

2. Where consent for collecting, processing **and sharing** of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to enable business users to directly obtain the required consent to their processing, where required **to do so** to comply with Union data protection and privacy rules and principles **under Regulation (EU) 2016/679 and Directive 2002/58/EC**. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Or. en

Justification

The principle of non-circumvention laid down in Article 6a(2), according to which, when the consent of the end user is required to collect, process and share personal data, the access controller must give the user company the possibility of requesting consent directly, must not be rendered de facto inoperative by the possibility for access controllers to provide anonymized data instead, which is of very limited interest to the user company. In order to maintain their hegemony over data, which is the main cause of unfair competition in digital markets, gatekeepers will systematically make use of this possibility. It is important to note, given the ability of gatekeepers to determine end-user choices, that obtaining consent from the business user should be no more difficult than obtaining consent from the gatekeeper.

