



**2020/0361(COD)**

5.10.2021

# **OPINION**

of the Committee on Culture and Education

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council  
on a Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC  
(COM(2020)0825 – C9-0418(2020) – 2020/0361(COD))

Rapporteur for opinion: Sabine Verheyen

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## SHORT JUSTIFICATION

On 15 December 2020, the European Commission published its legislative proposal for a Digital Services Act (DSA), as a significant step forward in regulating online content at Union level, especially in guaranteeing online safety and the protection of fundamental rights in the digital environment.

The proposed Regulation aims to establish a more accountable online environment by imposing obligations on platforms to act against illegal content, whilst empowering platforms' users with enhanced transparency and traceability, and better reporting systems.

It sets, as a *lex generalis*, horizontal and harmonised standards for a wide range of online platforms. The proposal also aims to revise the liability regime of Directive 2000/13/EC (e-Commerce Directive), notably by replacing the « notice and take down » mechanisms by « notice and action » mechanisms. Such a regime, as well as the principle of « no general obligation on the providers to monitor », has been the basis of Directive (EU) 2018/1808 (AVMSD) in regulating Video Sharing Platforms (VSPs).

However, this all-encompassing approach could bring about unintended consequences and interfere with sector-specific legislation. In the media and audiovisual sectors, this leads to overlaps with legislation at national and Union level as well as to legal uncertainties and discrepancies, whilst at the same time restricting Member States when taking regulatory measures to address cultural issues in relation to intermediary online service providers.

Overall, the Rapporteur welcomes the proposal. However, whilst supporting its main objectives, the Rapporteur would like to stress that the Regulation should enable users to continue accessing content that reflects media pluralism, cultural and linguistic diversity, as well as reliable news and information, with due respect to fundamental freedoms such as the freedom of expression.

In this context, the Rapporteur suggests a series of amendments in order to clarify the proposed provisions and improve the objectives they aim to achieve.

More specifically, the main points of the draft opinion are to:

(i) Ensure legal consistency with the AVMSD:

As the Regulation amends certain provisions of the e-Commerce Directive and proposes a series of articles (from Article 14 of the proposal) that overlap or partially cover Article 28b of the AVMSD, it is crucial to ensure that such a revision does not affect the regulation of VSPs as laid down in the revised AVMSD. The Rapporteur therefore considers it crucial that the Directive remains the key legal instrument for harmonising standards for audiovisual content online at Union level, by clarifying that the Regulation does not affect existing or future sectorial measures nor those that aim to promote cultural diversity, media freedom and pluralism.

(ii) Harmonise the existing rules on the removal of illegal content:

The Rapporteur welcomes the fact that the general principles of the liability regime set up in the e-Commerce Directive have been maintained and supports the proposed ‘notice-and-action’ mechanisms as a fundamental requirement for all platforms providing services in the Digital Single Market.

In that regard, clear definitions and effective procedures are of utmost important. Moreover, in cases of illegal content, such as incitement to terrorism, hate speech, or child sexual abuse material as well as infringements of intellectual property rights, it is crucial to ensure that service providers take quick and effective measures within a short period of time, not only to remove illegal content from their services but also that such content remains inaccessible after being removed.

(iii) Editorial responsibility:

Media service providers are strictly regulated at both Union and national level, guided by professional editorial standards no matter how their content and services are consumed. It is thus essential to protect editorial independence in the media sector. In that context, the Rapporteur considers that commercial online platforms should not be allowed to exercise a supervisory function over legally distributed online content originating from service providers who exercise editorial responsibility and consistently adhere to Union and national law as well as journalistic and editorial principles. Media service providers should also remain solely responsible for the content and services they produce, as platforms cannot be held either responsible or liable for the content offered by media service providers on their platforms.

(iv) Enhance transparency

The Rapporteur considers that the Regulation should set high transparency standards on all online platforms regarding algorithmic decision-making processes and content recommendations. It is essential that users better understand how platforms’ recommender systems affect the visibility, accessibility and availability of content and services online, as algorithm-based content recommendations may have a serious impact on cultural diversity.

## AMENDMENTS

The Committee on Culture and Education calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 2

*Text proposed by the Commission*

(2) Member States are increasingly introducing, or are considering introducing,

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*Amendment*

(2) Member States are increasingly introducing, or are considering introducing,

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national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice.

national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice ***and rights***.

## Amendment 2

### Proposal for a regulation

#### Recital 3

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

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

##### *Amendment*

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'). ***These rights include, among others, the right to*** freedom of expression and information, ***freedom and pluralism of media, the right to privacy and to protection of personal data,*** the freedom to conduct a business, ***the right to human dignity, the rights of the child, the right to protection of property, including intellectual property,*** and the right to non-discrimination.

### Amendment 3

#### Proposal for a regulation Recital 9

*Text proposed by the Commission*

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

*Amendment*

(9) ***Respecting the Union's subsidiary competence to take cultural aspects into account in its action under Article 167(4) of the Treaty on the Functioning of the European Union, this Regulation should not affect Member States' competences in their respective cultural policies, in particular as regards national measures addressed to intermediary service providers in order to protect the freedom of expression and information, media freedom and to foster media pluralism as well as cultural and linguistic diversity.*** This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,<sup>28</sup> and Regulation (EU) .../.. of the European Parliament and of the Council<sup>29</sup> – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply ***while not affecting the Member States' competences to adopt and further develop laws, regulations and other measures in order to secure and promote the freedom of expression and information in the media, promoting press freedom in line with the Charter of fundamental rights*** as well as ***cultural and linguistic diversity. Where*** those acts leave

Member States the possibility of adopting certain measures at national level, ***this possibility should remain unaffected by this Regulation, in particular their right to adopt stricter measures. In the event of a conflict between this Regulation, on the one hand, and Directive 2010/13/EU or the national transposition instruments adopted by Member States to comply with that Directive, on the other hand, the latter should prevail.***

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

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

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

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

## Amendment 4

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

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

*Amendment*

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 of the European Parliament and of the Council<sup>1a</sup>, as transposed in national laws***, which establish specific rules and procedures that should remain unaffected. ***As a whole, it is necessary for this Regulation to ensure legal certainty for platforms and safeguard the fundamental rights of users. No provision in this Regulation should lead to less favourable solutions to guarantee a high level of***

*protection of copyright and related rights that the one prevailing before its entry into force or after in the Union's and its Member States' positive law relating to the protection of literary and artistic property.*

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*<sup>1a</sup> 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).*

## Amendment 5

### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

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

*Amendment*

(12) ***Currently, the definitions of ‘illegal content’ varies based on national law, and ambiguous definitions of this term in the Regulation would create an unpredictable regulatory environment for all digital service providers in Europe. Without a clear definition, digital service providers and intermediaries would be held to opaque and unreasonable standards. Confusion about what constitutes illegal content could lead service providers and intermediaries to wrongfully restrict some types of content, which would harm fundamental rights such as the freedom of expression and opinion.*** In order to achieve ***therefore*** the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation, the concept of “illegal content” should ***underpin the general principle that what is illegal offline should also be illegal online, and what is legal offline should also be legal online.*** The concept should also be defined ***appropriately to cover*** information relating to illegal content, products, services and activities. In particular, that



or subject matter is of the law in question.

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

## Amendment 6

### Proposal for a regulation

#### Recital 13

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

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered

##### *Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks, *search engines, content-sharing platforms* or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of

as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

hosting services should not be considered as online platforms *for the purposes of this Regulation*, where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

## Amendment 7

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

*Text proposed by the Commission*

*Amendment*

***(15a) Ensuring that providers of intermediary services can offer effective end-to-end encryption to data is essential for trust in and security of digital services in the Digital Single Market, and effectively prevents unauthorised third-party access.***

## Amendment 8

### Proposal for a regulation Recital 18

*Text proposed by the Commission*

*Amendment*

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

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

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

the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including ***but not limited to the cases where the provider optimises, promotes or moderates content, beyond offering basic search and indexing functionalities that are absolutely necessary to navigate the content, or incites users to upload content, irrespective of whether the process is automated,*** where the information has been developed under the editorial responsibility of that provider.

## Amendment 9

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

*Text proposed by the Commission*

*Amendment*

***(18a) Directive 2000/31/EC provides that the exemptions from liability cover only cases where the activity of the information society service provider is limited to the technical process of operating and giving access to a communication network over which information made available by third parties is transmitted or temporarily stored, for the sole purpose of making the transmission more efficient, and that this activity is of a mere technical, automatic and passive nature, which implies that the information society service provider has neither knowledge of, nor control over, the information which is transmitted or stored. This implies that all active services are excluded from the limited liability regime. In that context, those exemptions should also not be given to providers of intermediary services that do not comply with the due diligence obligations set out***

*in this Regulation.*

## **Amendment 10**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 11**

### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

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

*Amendment*

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. ***In order to ensure harmonised implementation of illegal content removal throughout the Union, the provider should, without delay, remove or disable access to said illegal content. In practice, such an order to remove illegal content could also effectively address the reappearance of this illegal content. If a hosting service provider is ordered by an administrative or judicial authority to prevent infringements, such an order should in principle be limited to a specific infringement and to specific parts of the service, but may be extended to all copies***

*of that specific content, to efficiently ensure that the infringing content does not reappear, taking into account the potential harm the illegal content in question may create. The prevention of the reappearance of illegal content should under no circumstances give rise to a general monitoring obligation or an obligation for the provider to carry out investigations without a specific reason, and safeguards must be established so that stay-down measures never lead to any unavailability of legal content. It should be considered that a general monitoring obligation exists if a hosting service provider is obliged to screen an unspecified amount of information provided by a recipient of the service in order to prevent a specific infringement of the applicable law.* The removal or disabling of access should be undertaken *with due respect of all relevant principles enshrined in the Charter of Fundamental Rights, including* the freedom of expression. The provider can obtain actual knowledge or awareness through its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

## Amendment 12

### Proposal for a regulation Recital 23

#### *Text proposed by the Commission*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance

#### *Amendment*

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance

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

### Amendment 13

#### Proposal for a regulation

##### Recital 25

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

(25) In order to create legal certainty and not to discourage activities *aimed at* detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any

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

###### *Amendment*

(25) In order to create legal certainty and not to discourage activities *undertaken for the purpose of* detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any

such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

## Amendment 14

### Proposal for a regulation

#### Recital 26

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

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall ***that, despite*** the generally important role played by those providers, the problem of illegal content and activities ***online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question.*** Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is ***necessary*** to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a

such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

##### *Amendment*

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall the generally important role played by those providers. ***In many cases, such providers may be the best placed to address*** the problem of illegal content and activities ***by removing or limiting access to such content or by bringing such activities to an end.*** Recipients of the service should ***be held*** liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is ***appropriate*** to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible

general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content.

negative effects for the availability and accessibility of information that is not illegal content.

## Amendment 15

### Proposal for a regulation

#### Recital 28

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

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

##### *Amendment*

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation, ***concerning content which is identical to the content which was previously declared unlawful, or blocking access to that content, as well as to equivalent content which remains essentially unchanged compared with the content which gave rise to the finding of illegality.*** Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content ***or impeding their ability to undertake proactive measures to identify and remove illegal content and to prevent its reappearance.***

## Amendment 16

### Proposal for a regulation

#### Recital 28 a (new)



***(28a) Since editorial content providers hold editorial responsibility for the content and services they make available, a presumption of legality should exist in relation to the content provided by those providers who carry out their activities in respect of European values and fundamental rights. Such content and services should benefit from a specific regime that prevents a multiple control of that content and those services. That content and those services should be offered in accordance with professional and journalistic standards, as well as legislation, and are already subject to systems of supervision and control, often enshrined in commonly accepted self-regulatory standards and codes. In addition, they usually have in place complaints-handling mechanisms to resolve content-related disputes. Editorial responsibility means the exercise of effective control both over the selection of content and over its provision by means of its presentation, composition and organisation. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided. In any case, any provider of an audiovisual media service as defined in Article 1(1), point (a) of Directive 2010/13/EU and publishers of press publications as defined in Article 2 point (4) of Directive (EU) 2019/790 should be considered as editorial content providers for the purposes of this Regulation. Intermediary service providers should refrain from removing, suspending or disabling access to any such content or services, and should be exempt from liability for such content and services. Compliance by editorial content providers with these rules should be overseen by the respective independent regulatory authorities, bodies or both and the respective European networks they are***

*organised in.*

## Amendment 17

### Proposal for a regulation Recital 31 a (new)

*Text proposed by the Commission*

*Amendment*

***(31a) It is imperative that the Commission ensure the proper enforcement of this Regulation at Union level, across Member States, in order to avoid potential inequalities, differences of approach and unfair competition within or from outside the Union.***

## Amendment 18

### Proposal for a regulation Recital 34

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 19

### Proposal for a regulation Recital 36 a (new)

*Text proposed by the Commission*

*Amendment*

***(36a) Very large online platforms should provide for the possibility to communicate to their points of contact in each official language of the Member States where they provide services. Other providers of intermediary services should ensure that the choice of language does not impose a disproportionate burden on Member States' authorities and should make every effort to establish effective communication options. A possible language barrier should not be invoked as a reason to ignore or deny communication with a Member States' authorities and should not be used as an excuse for inaction. Where necessary, Member States' authorities and providers of intermediary services may reach a separate agreement on the language of communication.***

## Amendment 20

### Proposal for a regulation Recital 38

*Text proposed by the Commission*

*Amendment*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes.

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of ***the rights of the*** recipients of the service and the avoidance of unfair or arbitrary outcomes. ***Terms and conditions should be summarised in a clear, accessible and easily comprehensible manner while offering the possibility of opting-out from***

*optional clauses. Intermediary service providers should be prohibited from drawing up terms and conditions that go against Union and national law and that lead to the removal, disabling of access to other kind of interferences with content and services of editorial content providers. The freedom and pluralism of media should be respected. To this end, Member States should ensure that editorial content providers have the possibility to contest decisions of online platforms or to seek judicial redress in accordance with the national law of the Member State concerned.*

## **Amendment 21**

### **Proposal for a regulation Recital 38 b (new)**

*Text proposed by the Commission*

*Amendment*

*(38b) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice in order to ensure the effective operation of notice and action mechanisms. The obligation to put*

*in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in so far as they qualify as providers of hosting services covered by this Regulation.*

## Amendment 22

### Proposal for a regulation

#### Recital 39

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

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should **annually** report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.<sup>40</sup>

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p.

##### *Amendment*

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should **draw up an annual report which they should make publicly available, in a standardised and machine-readable format**, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions **including comprehensive anonymised statistical analysis of measures taken and the misuses of services and manifestly unfounded notices or complaints under the mechanisms established under this Regulation, and where a platform is an online marketplace, their business users**. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC<sup>40</sup> **or not-for-profit services with fewer than 100 000 monthly active users**.

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<sup>40</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p.

36).

36).

## Amendment 23

### Proposal for a regulation Recital 39 a (new)

*Text proposed by the Commission*

*Amendment*

***(39a) Recipients of the service should be empowered to make autonomous decisions inter alia regarding the acceptance of and changes to terms and conditions, advertising practices, privacy and other settings, and recommender systems when interacting with intermediary services. However, it is possible for providers of intermediary services to exploit cognitive biases and prompt online consumers to purchase goods and services that they do not want or to reveal personal information they would prefer not to disclose, by deceiving or nudging recipients of the service and subverting or impairing the autonomy, decision-making, or choice of the recipients of the service via the structure, design or functionalities of an online interface or a part thereof ('dark pattern'). Providers of intermediary services should be prohibited from using such dark patterns. This includes, but is not limited to, exploitative design choices to direct the user to actions that benefit the provider of intermediary services, but which may not be in the recipients' interests, presenting choices in a non-neutral manner, repetitively requesting or pressuring the recipient to make a decision or hiding or obscuring certain options.***

## Amendment 24

### Proposal for a regulation Recital 40

*Text proposed by the Commission*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

*Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice ***in order to ensure the effective operation of notice and action mechanisms***. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation. ***Moreover, the notification and action mechanism should be supplemented by actions aimed to prevent the reappearance of content which has been identified as illegal or which is identical to content which had been identified and withdrawn as illegal. The application of this requirement should in no way lead to a general monitoring obligation.***

**Amendment 25**

**Proposal for a regulation  
Recital 42**

*Text proposed by the Commission*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, **that** provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. ***That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions.*** Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

**Amendment 26**

**Proposal for a regulation  
Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of ***efficient, proportionate and accurate*** automated means ***accompanied by human oversight, the*** provider should inform the recipient of its decision, the reasons for its decision and the available ***effective*** redress possibilities to ***rapidly*** contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

*Amendment*

***(42a) When moderating content, mechanisms voluntarily employed by platforms should not lead to ex-ante control measures based on automated tools or upload-filtering of content. Automated tools are currently unable to differentiate illegal content from content that is legal in a given context and therefore routinely result in overblocking legal content. Human review of automated reports by service providers or their contractors does not fully solve this problem, especially if it is outsourced to private staff that lack sufficient***



*independence, qualification and accountability. Ex-ante control should be understood as making publishing subject to an automated decision. Filtering automated content submissions such as spam should be permitted. Where automated tools are otherwise used for content moderation, the provider should ensure human review and the protection of legal content.*

## Amendment 27

### Proposal for a regulation Recital 43

#### *Text proposed by the Commission*

(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.

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<sup>41</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

#### *Amendment*

(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations, *which is to be encouraged*.

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<sup>41</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

## Amendment 28

**Proposal for a regulation**  
**Recital 44**

*Text proposed by the Commission*

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.

*Amendment*

(44) Recipients of the service, ***including persons with disabilities***, should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. ***Such internal systems should be available also to individuals or entities that have submitted a notice.*** In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.

**Amendment 29**  
**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to

*Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to

process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, **and not individuals**, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, **that they represent collective** interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry **and of right-holders** could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing

process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, **have significant legitimate** interests **and have demonstrated competence for the purposes of detecting, identifying and notifying illegal content**, and that they work in a diligent and objective manner. Such entities can **also** be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, **right holders' representatives and** organisations of industry could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions, **including their competence and objectivity**. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing

Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

## Amendment 30

### Proposal for a regulation Recital 46 a (new)

*Text proposed by the Commission*

*Amendment*

**(46a) Trusted flaggers should also be able to submit complaints to the Digital Service Coordinators about those activities by online platforms that create a systemic risk.**

## Amendment 31

### Proposal for a regulation Recital 47

*Text proposed by the Commission*

*Amendment*

(47) The misuse of services of online platforms by **frequently** providing **manifestly** illegal content or by **frequently** submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be **manifestly** illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect

(47) The misuse of services of online platforms by **repeatedly** providing **or disseminating** illegal content or by **repeatedly** submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant

of the person engaged in abusive behaviour. ***This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms.*** Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address ***the provision of illegal content by recipients of their service or other*** misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

activities in respect of the person engaged in abusive behaviour. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

## **Amendment 32**

### **Proposal for a regulation Recital 48 a (new)**

*Text proposed by the Commission*

*Amendment*

***(48a) Online transparency requirements for commercial entities are vital for ensuring accountability, trust and access to effective redress. To this end, Article 5 of Directive 2000/31/EC establishes general information requirements for service providers to render to service recipients and competent authorities. In addition, Article 6 of Regulation (EU) 2016/679 allows for the processing and disclosure of all information on domain name holders from the WHOIS database for the performance of tasks carried out in the public interest, and a number of***

*Member States require their national country code top-level domain registries to make such information publicly accessible. However, the lack of effective enforcement of Article 5 of Directive 2000/31/EC and the often outdated and inaccurate information contained within the WHOIS database emphasise the need to put in place a clear obligation for providers of intermediary services to verify the identity of their business customers. The ‘know your business customer’ obligation should also prohibit providers of intermediary services from providing their services to unverified customers and oblige them to cease the provision of their services when the identification provided proves to be incomplete, inaccurate or fraudulent.*

### Amendment 33

#### Proposal for a regulation

#### Recital 49

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

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter **traders from** selling products **or** services in violation of the applicable rules, online **platforms allowing consumers to conclude distance contracts with traders** should ensure that **such traders** are traceable. The **trader** should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to **traders** that promote messages on products or services on behalf of brands, based on underlying agreements. **Those online platforms** should store all information in a secure manner for a

##### *Amendment*

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers **and other users**, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter **the selling and dissemination of** products **and** services in violation of the applicable rules, **all providers of intermediary services, including hosting providers, domain name registrars, providers of content delivery networks, proxy and reverse proxy providers, online marketplaces, online payment service providers and online advertising service providers** should ensure that **their business customers** are traceable. The **business customer** should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering

reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

products. That requirement should also be applicable to **business customers** that promote messages on products or services on behalf of brands, based on underlying agreements. **Providers of intermediary services** should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed **and verified**, in accordance with the applicable law, including on the protection of personal data, by **the providers of intermediary services**, public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

## Amendment 34

### Proposal for a regulation Recital 50

#### *Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the **online platforms** covered should make reasonable efforts to verify the reliability of the information provided by **the traders** concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting **the traders** concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the **online platforms** covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such

#### *Amendment*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the **providers of intermediary services** covered should make reasonable efforts to verify the reliability of the information provided by **their business customers** concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System, or by requesting **their business customers** concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the **providers of intermediary services** covered should not be required to engage in excessive or costly online fact-finding

**online platforms**, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such **online platforms** should also design and organise their online interface in a way that enables **traders** to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European

exercises or to carry out verifications on the spot. Nor should such **providers of intermediary services**, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability **and accuracy** of the information towards consumer or other interested parties. Such **providers of intermediary services** should **update the information they hold on a risk-sensitive basis, and at least once a year** and also design and organise their online interface in a way that enables **their business customers** to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>.

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<sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

<sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

<sup>48</sup> Directive 98/6/EC of the European



Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

## Amendment 35

### Proposal for a regulation Recital 51

*Text proposed by the Commission*

(51) *In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the Union.*

*Amendment*

(51) *Very large online platforms are used in a way that strongly influences online safety, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to their own benefit with their advertising-driven business models, which can cause societal concerns. In the absence of effective regulation and enforcement, they can set up the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the risks stemming from the functioning and use of their service, as well as from potential misuses by the recipients of the service, and take appropriate mitigating measures.*

## Amendment 36

### Proposal for a regulation Recital 52

*Text proposed by the Commission*

(52) *Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from*

*Amendment*

(52) *Advertising funding helps to ensure that European citizens can enjoy news and entertainment services for free or at a reduced rate. Without effective advertising, funding for all sorts of media would be greatly reduced, which may lead*

advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for **targeted** advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

***to more expensive TV-subscriptions, reduced newspapers and magazines' plurality and independence, and some radio stations would lack the ability to provide news and entertainment throughout the day, to the detriment of media pluralism and cultural diversity. Advertising is a key source of growth for a number of audiovisual media service providers, press publishers and radio stations. The use of data, in full compliance with the obligations set out in the Regulation (EU) 2016/679 and Directive 2002/58/EC, is a way to improve the effectiveness of advertising. It is therefore important for this regulation to focus on delivering more advertising transparency while not negatively affecting the effectiveness of advertising for news and entertainment services.***

However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling, ***and opt for less intrusive forms of advertising that do not require any tracking of user interaction with content.*** The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the

relevant provisions of Regulation (EU)2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for **advertising**. ***Additionally, online platforms should provide recipients of the service to whom they supply online advertising, when requested and to the extent possible, with information that allows recipients of the service to understand how data was processed, categories of data or criteria on the basis of which ads may appear, and data that was disclosed to advertisers or third parties, and refrain from using any aggregated or non-aggregated data, which may include anonymised and personal data without the explicit consent of the data subject.*** Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

## **Amendment 37**

### **Proposal for a regulation Recital 53**

#### *Text proposed by the Commission*

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns,

#### *Amendment*

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns,

there being no alternative and less restrictive measures that would effectively achieve the same result.

*specifically regarding disinformation, online harassment, hate speech or any other types of harmful content*, there being no alternative and less restrictive measures that would effectively achieve the same result.

## Amendment 38

### Proposal for a regulation

#### Recital 56

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

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the ***systemic risks stemming from the*** functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

##### *Amendment*

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the ***impact on fundamental rights of the*** functioning and use of their service, as well as ***of*** potential misuses by the recipients of the service, and take appropriate mitigating measures, ***including by adapting algorithmic recommender systems and online interfaces, in particular as regards their potential for amplifying certain content, including disinformation.***

## Amendment 39

### Proposal for a regulation

#### Recital 57

(57) Three categories of **systemic** risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant **systematic** risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may **arise, for example, in relation to the design** of the **algorithmic systems** used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech **or** hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated

(57) Three categories of risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products, or services prohibited by Union or national law, including counterfeit products **or the illegal display of copyright protected content**. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may **be incorporated in the basic programming** of the **algorithms** used by the very large online platform or **arise from** the misuse of their service through the submission of abusive notices or other methods for silencing speech hampering competition, **or the way platforms' terms and conditions including content moderation policies are enforced. Therefore, it is necessary to promote adequate changes in platforms' conduct, a more accountable information ecosystem, enhanced fact-checking capabilities and collective knowledge on disinformation, and the use of new technologies in order to improve the way information is produced and disseminated online**. A third category of risks concerns the intentional and,

behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

#### Amendment 40

##### Proposal for a regulation Recital 58

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

(58) Very large online platforms should deploy the necessary means to diligently mitigate the **systemic** risks identified in the risk assessment. Very large online platforms should under such mitigating measures **consider, for example, enhancing** or otherwise **adapting** the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they **discourage and** limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They **may** also initiate or

###### *Amendment*

(58) Very large online platforms should deploy the necessary means to diligently mitigate the risks identified in the risk assessment. Very large online platforms should under such mitigating measures **enhance** or otherwise **adapt** the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they limit the dissemination of illegal content, **for instance by building in systems to demote content identified as harmful, introducing artificial delays to limit virality**, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources **such as public interest information provided by public authorities or international organisations or content under the control of an editorial content**

increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

***provider and subject to specific standards, sector-specific regulation and oversight.***

Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They ***should*** also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service. ***Mitigation of risks which would lead to removal, disabling access to or otherwise interfering with content and services for which an editorial content provider holds editorial responsibility should not be considered reasonable or proportionate.***

## **Amendment 41**

### **Proposal for a regulation**

#### **Recital 59**

*Text proposed by the Commission*

(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups

*Amendment*

(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, ***relevant regulatory authorities,***

potentially impacted by their services, independent experts and civil society organisations.

representatives of groups potentially impacted by their services, independent experts and civil society organisations.

## Amendment 42

### Proposal for a regulation

#### Recital 62

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

(62) A core part of **a very large** online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

##### *Amendment*

(62) A core part of **an** online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. ***These recommender systems can also have an impact on consumers' media consumption and cultural practices and might lead to their being enclosed in a bubble without enabling them to discover other content.*** Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.



## Amendment 43

### Proposal for a regulation Recital 63

*Text proposed by the Commission*

(63) Advertising systems used by **very large** online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. **Very large** online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with **a real and foreseeable** negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, **in particular where targeted advertising is concerned**.

## Amendment 44

### Proposal for a regulation Recital 64

*Text proposed by the Commission*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a

*Amendment*

(63) Advertising systems used by online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with negative impact on public health, public security, civil discourse, political participation and equality. Repositories should **be searchable, easy to access and functional and should** include the content of advertisements and related data on the advertiser and the delivery of the advertisement.

*Amendment*

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a

requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations **by researchers on the evolution and severity of online systemic risks** are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides **a framework** for compelling access to data from very large online platforms **to vetted researchers**. All requirements for access to data under **that framework** should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets **and other confidential information, of the platform** and any other parties concerned, including the recipients of the service.

requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems **by providing relevant source code and associated data that allow the detection of possible biases or threats to fundamental rights** for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations **of possible biases or threats to fundamental rights** are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides **frameworks** for compelling access to data from very large online platforms to **the Digital Services Coordinator and the Commission**. All requirements for access to data under **those frameworks** should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets **in line with Directive (EU) 2016/943 of the European Parliament and of the Council<sup>1a</sup> and the privacy of** any other parties concerned, including the recipients of the service.

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

## Amendment 45

### Proposal for a regulation Recital 64 a (new)

*Text proposed by the Commission*

*Amendment*

***(64a) Moderation and recommendation algorithms used by very large online platforms pose high risks and require closer and further regulatory supervision, because of the presence of algorithmic biases, which often leads to a massive dissemination of illegal content or threats to fundamental rights including freedom of expression. Taking into account the permanent evolution of these algorithms and the immediate risks they could generate when deployed, very large online platforms should ensure full and real-time disclosure of moderation and recommendation algorithms to the Digital Services Coordinator or the Commission. Such disclosure should include all the data regarding the creation and the setting of those algorithms, such as corresponding datasets. To facilitate the supervision of the Digital Services Coordinator or the Commission, this Regulation provides a framework of obligations for very large online platforms, including explainability of algorithms, accountability and close cooperation with the Digital Services Coordinator or the Commission. Where an algorithmic bias is detected, very large online platforms should correct it expeditiously, following requirements from the Digital Services Coordinator or the Commission.***

## Amendment 46

### Proposal for a regulation Recital 65 a (new)

*Text proposed by the Commission*

*Amendment*

***(65a) Given the cross-border nature of the services at stake, Union action to harmonise accessibility requirements for very large online platforms across the internal market is necessary to avoid market fragmentation and to ensure that equal right to access and choice of those services for persons with disabilities is guaranteed. Lack of harmonised accessibility requirements for digital services can create barriers for the implementation of existing Union law on accessibility, as many of the services falling under that law will rely on intermediary services to reach end-users. Therefore, accessibility requirements for very large online platforms, including their user interfaces, needs to be consistent with existing Union law on accessibility, including Directives (EU) 2016/2102<sup>1a</sup> and (EU) 2019/882<sup>1b</sup> of the European Parliament and of the Council.***

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***<sup>1a</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).***

***<sup>1b</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***

## **Amendment 47**

### **Proposal for a regulation Recital 66**

*Text proposed by the Commission*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological

*Amendment*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological

means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, ***interoperability of content hosting platforms*** or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

## Amendment 48

### Proposal for a regulation

#### Recital 67

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

(67) The Commission and the Board should ***encourage*** the drawing-up of codes of conduct to contribute to the application of this Regulation. ***While*** the implementation of codes of conduct should be measurable and subject to public oversight, ***this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate***. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

##### *Amendment*

(67) The Commission and the Board should ***be able to request and coordinate*** the drawing-up of codes of conduct to contribute to the application of this Regulation. The implementation of codes of conduct should be measurable and subject to public oversight. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

## Amendment 49

### Proposal for a regulation Recital 68

#### *Text proposed by the Commission*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of **systemic** risks on society **and democracy**, such as **disinformation or manipulative and abusive activities**. **This includes** coordinated operations aimed at amplifying information, **including disinformation, such as** the use of bots **or** fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, **such as children**. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal **without proper explanations** by an online platform of the Commission's invitation to participate in the application of such a code of conduct **could** be taken into account, **where relevant**, when determining whether the online platform has infringed the obligations laid down by this Regulation.

#### *Amendment*

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal **or harmful** content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of risks on society, such as coordinated operations aimed at amplifying information, **for instance through** the use of bots, fake accounts **and proxy services** for the creation **and propagation** of fake or misleading information, sometimes with a purpose of obtaining economic **or political** gain, which are particularly harmful for vulnerable recipients of the service. **Other areas for consideration could be to improve transparency regarding the origin of information and the way it is produced, sponsored, disseminated and targeted, to promote diversity of information through support of high quality journalism and relation between information creators and distributors, and to foster credibility of information by providing an indication of its trustworthiness, and improving traceability of information of influential information providers, whilst respecting confidentiality of journalistic sources**. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal by an online platform of the Commission's invitation to participate in the application of such a code of conduct **must** be taken into account, when determining whether the online platform has infringed the obligations laid down by this Regulation.

*When codes of conduct are used as a risk mitigating measure, they should be binding for very large online platforms, subjected to an oversight by the Digital Service Coordinator.*

## **Amendment 50**

### **Proposal for a regulation Recital 73 a (new)**

*Text proposed by the Commission*

*Amendment*

*(73a) The designation of a Digital Services Coordinator in the Member States should be without prejudice to already existing enforcement mechanisms, such as in the Union or national law on electronic communication or media, and independent regulatory structures in these fields as defined by Union and national law. The competences of the Digital Services Coordinator should not interfere with those of the appointed authorities. The different European networks, in particular the European Regulators Group for Audiovisual Media Services (ERGA) and the Body of European Regulators for Electronic Communications (BEREC) should be responsible for ensuring coordination and for contributing to the effective consistent application and enforcement of this Regulation throughout the Union. For the effective implementation of this task, those networks should develop suitable procedures to be applied in cases concerning this Regulation.*

## **Amendment 51**

### **Proposal for a regulation Recital 76 a (new)**

*Text proposed by the Commission*

*Amendment*

*(76a) Consumers, consumer organisations and rights holders should be able to lodge any complaint related to compliance of a marketplace with this Regulation with the Digital Services Coordinator in the Member State where they are based. Complaints should provide a faithful overview of issues related to a particular intermediary service provider's compliance. The Digital Services Coordinator should involve national competent authorities and inform the Member State where the intermediary service provider concerned is established if the issue requires cross-border cooperation. Complaints should be dealt with in a timely manner no later than one month from the receipt of a complaint.*

## Amendment 52

### Proposal for a regulation

#### Recital 77

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

(77) Member States should provide the Digital Services Coordinator, and any other competent authority designated under this Regulation, with sufficient powers and means to ensure effective investigation and enforcement. Digital Services Coordinators should in particular be able to search for and obtain information which is located in its territory, including in the context of joint investigations, with due regard to the fact that oversight and enforcement measures concerning a provider under the jurisdiction of another Member State should be adopted by the Digital Services Coordinator of that other Member State, where relevant in accordance with the procedures relating to cross-border cooperation.

##### *Amendment*

(77) Member States should provide the Digital Services Coordinator, and any other competent authority designated under this Regulation, with sufficient powers and means to ensure effective investigation and enforcement. Digital Services Coordinators should in particular be able to search for and obtain information which is located in its territory, including in the context of joint investigations, with due regard to the fact that oversight and enforcement measures concerning a provider under the jurisdiction of another Member State should be adopted by the Digital Services Coordinator of that other Member State, where relevant in accordance with the procedures relating to cross-border cooperation. ***Member States should also consider to provide specialised training, in cooperation with Union bodies, offices and agencies, for relevant national authorities, in particular administrative***



*authorities, who are responsible for issuing orders to act against illegal content and provide information.*

## **Amendment 53**

### **Proposal for a regulation**

#### **Recital 81**

*Text proposed by the Commission*

(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.

*Amendment*

(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations *as well as parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform* should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.

## **Amendment 54**

### **Proposal for a regulation**

#### **Recital 91**

*Text proposed by the Commission*

(91) The Board should bring together

*Amendment*

(91) The Board should bring together

the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be **allowed** to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be **encouraged** to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, **intellectual property**, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

## Amendment 55

### Proposal for a regulation Recital 98 a (new)

*Text proposed by the Commission*

*Amendment*

***(98a) In order to ensure the effective enforcement of this Regulation, the Commission should intervene where a common pattern of non-compliance with orders issued by national judicial or administrative authorities is identified by at least three Digital Services Coordinators or by the Board vis-à-vis the same online platform, irrespective of its size. A common pattern of non-compliance may be established, among others, in light of a manifest disregard or unjustified delays in executing mandatory orders issued by national judicial or administrative authorities concerning illegal content or requests of information, in accordance with Articles 8 and 9 of this Regulation.***

## Amendment 56

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

*Text proposed by the Commission*

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

*Amendment*

(b) set out uniform rules for a safe, **accessible**, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

## Amendment 57

### Proposal for a regulation Article 1 – paragraph 5 – introductory part

*Text proposed by the Commission*

5. This Regulation **is without prejudice to** the rules laid down by the following:

*Amendment*

5. This Regulation **shall not affect** the rules laid down by the following:

## Amendment 58

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

*Text proposed by the Commission*

(c) Union law on copyright and related rights;

*Amendment*

(c) Union law on copyright and related rights, **in particular Directive (EU) 2019/790 and the national transposition instruments adopted by Member States to comply with the Directive;**

## Amendment 59

### Proposal for a regulation Article 1 – paragraph 5 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***This Regulation shall not affect the competences of Member States to adopt legislation addressed to providers of intermediary service, aimed at protecting or promoting freedom of expression and information, media freedom and pluralism and cultural and linguistic diversity, where the adoption of such legislation is deemed necessary so as to ensure, protect and promote the freedom of information and of the media or to foster the diversity of the media and diversity of opinion or cultural and linguistic diversity.***

## **Amendment 60**

### **Proposal for a regulation Article 1 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Any contractual provisions between a provider of intermediary services and a trader, a business user or a recipient of the service which are contrary to this Regulation shall be invalid. This Regulation shall apply irrespective of the law applicable to contracts concluded between providers of intermediary services and a recipient of the service, a consumer, a trader or business user.***

## **Amendment 61**

### **Proposal for a regulation Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) ‘business customer’ means:***  
***- legal entities, except any entity which qualifies as a large undertaking***

*within the meaning of Article 3(4) of Directive 2013/34/EU of the European Parliament and the Council<sup>1a</sup>;*

*- any natural person that purchases a type or amount of service indicative of, or that otherwise indicates, the intent to operate a business online, or contracts for the purchase of more than EUR 10 000 of services provided by the intermediary service provider in a one-year period;*

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*<sup>1a</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).*

## Amendment 62

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f – indent 3

*Text proposed by the Commission*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;

*Amendment*

— a ‘hosting’ service that consists of the **storage or the permission of** storage of information provided by, and at the request of, a recipient of the service;

## Amendment 63

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

*Text proposed by the Commission*

(g) ‘illegal content’ means any information, which, in itself or by its reference to an activity, including the sale of products or provision of services is not

*Amendment*

(g) ‘illegal content’ means any information **made available** which, in itself or by its reference to an activity, including the sale of products or provision of

in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

services. is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

#### Amendment 64

##### Proposal for a regulation

##### Article 2 – paragraph 1 – point g b (new)

*Text proposed by the Commission*

*Amendment*

**(gb) ‘personal data’ means personal data as defined in Article 4 point (1) of Regulation (EU) 2016/679;**

#### Amendment 65

##### Proposal for a regulation

##### Article 2 – paragraph 1 – point h

*Text proposed by the Commission*

*Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other **principal** service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

#### Amendment 66

##### Proposal for a regulation

##### Article 2 – paragraph 1 – point o

*Text proposed by the Commission*

*Amendment*

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients

(o) ‘recommender system’ means a fully or partially automated system, **designed as a separate tool from the principal service offered and** used by an

of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

online platform to suggest, **rank, prioritise, select and display** in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

## Amendment 67

### Proposal for a regulation

#### Article 2 – paragraph 1 – point q a (new)

*Text proposed by the Commission*

*Amendment*

**(qa) “editorial content provider” means the natural or legal person who has editorial responsibility for the content and services they offer, determines the manner in which the content and the services are organised, who is subject to sector-specific regulation, including self-regulatory standards in the media and press sectors, and has put in place complaints-handling mechanisms to resolve content-related disputes.**

## Amendment 68

### Proposal for a regulation

#### Article 2 – paragraph 1 – point q b (new)

*Text proposed by the Commission*

*Amendment*

**(qb) ‘persons with disabilities’ means persons with disabilities as defined in Article 3 point (1) of Directive (EU) 2019/882;**

## Amendment 69

### Proposal for a regulation

#### Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

*Amendment*

1. Where an information society service is provided that consists of the storage ***or the permission of storage*** of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

**Amendment 70**

**Proposal for a regulation**

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

*Text proposed by the Commission*

(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.

*Amendment*

***Where the illegal activity or the illegal content pertains to the broadcast of a live sports or entertainment event, the condition under point (b) of the first subparagraph shall be considered to be fulfilled if the provider acts immediately or as fast as possible, and in any event no later than within 30 minutes after obtaining knowledge or awareness of that illegal activity or illegal content.***

**Amendment 71**

**Proposal for a regulation**

**Article 5 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Without prejudice to specific deadlines set out in Union or national law, providers of hosting services shall, upon obtaining actual knowledge or awareness of illegal content, remove or disable access to that content as soon as possible and in any event within 24 hours. Where the provider of hosting services cannot comply with this obligation on grounds of force majeure or for***



*objectively justifiable technical or operational reasons, it shall, without undue delay, inform the competent authority having issued an order pursuant to Article 8 or the recipient of the service having submitted a notice pursuant to Article 14, of those grounds.*

## Amendment 72

### Proposal for a regulation

#### Article 5 – paragraph 3

*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability ***under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the*** specific item of information or otherwise enables ***the*** specific transaction at issue in ***a way*** that would lead an average and reasonably well-informed ***consumer*** to believe that the information, or the product or service that is the object of the transaction, is provided either by the ***online platform*** itself or by a recipient of the service who is acting under its authority or control.

*Amendment*

3. Paragraph 1 shall not apply with respect to liability, ***where hosting services, including*** online platforms, ***present a*** specific item of information or otherwise enables ***a*** specific transaction at issue in ***a way*** that would lead an average and reasonably well-informed ***recipient*** to believe that the information, or the product or service that is the object of the transaction, is provided either by the ***hosting service provider*** itself or by a recipient of the service who is acting under its authority or control. ***This is notably the case where online platforms present the information in a way that is not neutral as it specifically relates to the profile of the recipient of the service in order to maximise profit and attention of the recipient of the service. This is also the case where an online platform organises or promotes the information, products or services in such a way that the platform decides, based on human intervention or algorithms, which information, products or services are accessed or found and how that access is achieved.***

***Paragraph 1 of this Article shall not apply for hosting services editorially controlled advertisement content as defined in Article 2(n).***

***Providers of intermediary services shall not be exempt from liability referred to in***

*Articles 3, 4 and 5, where their main purpose is to engage in or facilitate illegal activities.*

## **Amendment 73**

### **Proposal for a regulation Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 5a**

*Providers of intermediary services shall be deemed ineligible for the exemptions from liability as referred to in Articles 3, 4 and 5 and liable to pay penalties in accordance with Article 42, where they do not comply with the due diligence obligations set out in this Regulation.*

## **Amendment 74**

### **Proposal for a regulation Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities *aimed at* detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities *undertaken for the specific purpose of* detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.

## **Amendment 75**

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

*Text proposed by the Commission*

*Amendment*

***Measures taken pursuant to the first subparagraph shall be effective, proportionate, specific, targeted and in accordance with the Charter.***

## **Amendment 76**

### **Proposal for a regulation Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. ***No provision of this Regulation shall be understood as prescribing, promoting or recommending the use of automated decision-making or the monitoring of the behaviour of a large number of natural persons, not even for statistical purposes.***

## **Amendment 77**

### **Proposal for a regulation Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Providers of intermediary services shall not be obliged to use automated tools for content moderation.***

## **Amendment 78**

### **Proposal for a regulation Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*No provision of this Regulation shall prevent providers of intermediary services from offering end-to-end encrypted services, or make the provision of such services a cause for liability or loss of immunity.*

## **Amendment 79**

### **Proposal for a regulation Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 7a*

*Prohibition of interference with content and services offered by editorial content providers*

*Intermediary service providers shall not remove, disable access to or otherwise interfere with content and services made available by editorial content providers.*

*Editorial content providers' accounts shall not be suspended on the grounds of legal content and services they offer. This Article shall not affect the possibility for an independent judicial or independent administrative authority in line with Directive 2010/13/EU to require the editorial content provider to terminate or prevent an infringement of applicable Union or national law.*

## **Amendment 80**

### **Proposal for a regulation Article 8 – title**

*Text proposed by the Commission*

*Amendment*

Orders to act against illegal content

***Cross-border*** orders to act against illegal content

## **Amendment 81**

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

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon the receipt of **an** order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.

*Amendment*

1. Providers of intermediary services shall, upon the receipt of **a cross-border** order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union **and national law, take measures to comply with the order and** law, inform the authority issuing the order of **its receipt and** the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken. **Under the condition that necessary safeguards are provided, such orders could, in particular, consist of catalogue-wide and dynamic injunctions by courts or administrative authorities requiring the cross-border termination or prevention of any infringement.**

**Amendment 82**

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

*Text proposed by the Commission*

— **one or more exact uniform resource locators and, where necessary,** additional information enabling the identification of the illegal content concerned;

*Amendment*

— additional information enabling the identification of the illegal content concerned;

**Amendment 83**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 3**

*Text proposed by the Commission*

— information about redress available

*Amendment*

— information about redress available

to the provider of the service and to the recipient of the service who provided the content;

to the provider of the service and to the recipient of the service who provided the content ***including information about effective remedy***;

#### Amendment 84

##### Proposal for a regulation Article 8 – paragraph 2 – point c

*Text proposed by the Commission*

(c) the order ***is drafted in the language declared by the provider and*** is sent to the point of contact, appointed by the provider, in accordance with Article 10.

*Amendment*

(c) the order is sent to the point of contact, appointed by the provider, in accordance with Article 10.

#### Amendment 85

##### Proposal for a regulation Article 9 – title

*Text proposed by the Commission*

Orders to provide information

*Amendment*

***Cross-border*** orders to provide information

#### Amendment 86

##### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of ***an*** order to provide ***a specific item of*** information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

*Amendment*

1. Providers of intermediary services shall, upon receipt of ***a cross-border*** order to provide information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

## Amendment 87

### Proposal for a regulation

#### Article 9 – paragraph 2 – point a – indent 2

*Text proposed by the Commission*

— information about redress available to the provider and to the recipients of the service concerned;

*Amendment*

— information about ***content of the order and*** redress available to the provider and to the recipients of the service concerned;

## Amendment 88

### Proposal for a regulation

#### Article 9 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the order only requires the provider to provide information ***already collected for the purposes of providing*** the service and which lies within its control;

*Amendment*

(b) the order only requires the provider to provide information ***enabling the identification of recipients of*** the service and which lies within its control;

## Amendment 89

### Proposal for a regulation

#### Article 9 – paragraph 2 – point c

*Text proposed by the Commission*

(c) the order ***is drafted in the language declared by the provider and*** is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is sent to the point of contact appointed by that provider, in accordance with Article 10;

## Amendment 90

### Proposal for a regulation

#### Article 10 – paragraph 3

*Text proposed by the Commission*

3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or

*Amendment*

3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or

languages of the Union, which can be used to communicate with their points of contact and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established.

languages of the Union, which can be used to communicate with their points of contact and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established. ***Very large online platforms shall provide for the possibility to communicate to their points of contact in each official language of the Member States where they provide services.***

## Amendment 91

### Proposal for a regulation Article 11 – paragraph 1

#### *Text proposed by the Commission*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.

#### *Amendment*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative ***at least*** in one of the Member States where the provider offers its services. ***The right of Member States to require very large online platforms to designate a legal representative in their countries remains unaffected.***

## Amendment 92

### Proposal for a regulation Article 12 – paragraph 1

#### *Text proposed by the Commission*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information

#### *Amendment*

1. ***Terms and conditions of providers of intermediary services shall respect the principles of human rights as enshrined in the Charter and international law.*** Providers of intermediary services shall include ***and publish*** information on any restrictions ***or modifications*** that they



on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format ***and machine-readable format in the language in which the service is offered. Providers of intermediary services shall inform the recipients of their services of changes to their terms and conditions in a timely manner.***

#### Amendment 93

##### Proposal for a regulation Article 12 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Providers of intermediary services shall publish summary versions of their terms and conditions in a clear, user-friendly and unambiguous language, and in an easily accessible and machine-readable format. Such summary versions shall include the main elements of the information requirements, including the possibility of easily opting-out from optional clauses as well as information on remedies and redress mechanisms available, such as the possibility to modify or influence the main parameters of recommender systems and advertisement options.***

#### Amendment 94

##### Proposal for a regulation Article 12 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

**1b.** *Very large online platforms shall ensure that their terms and conditions as well as their other policies, procedures, measures and tools used for the purpose of content moderation are applied and enforced in accordance with Article 26(2).*

## **Amendment 95**

### **Proposal for a regulation Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Providers of intermediary services shall act in a diligent, **objective** and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

2. Providers of intermediary services shall act in a **coherent, predictable, non-discriminatory, transparent**, diligent, **non-arbitrary** and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, **in compliance with procedural safeguards and** with due regard to **Union and national law and to** the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service, **in particular the freedom of expression and information**, as enshrined in the Charter.

## **Amendment 96**

### **Proposal for a regulation Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Terms and conditions, or specific provisions thereof, community standards or any other internal guidelines or tools implemented by an intermediary service provider shall be applied in compliance with Article 7a. Providers of intermediary services shall ensure that their terms and*

*conditions as well as other policies, procedures, measures and tools used for the purpose of content moderation are applied and enforced in such a way as to prohibit any removal, suspension, disabling access to or any other interference with editorial content and services of an editorial content provider or their account in relation to the legal content offered by that editorial content provider. This Article shall not affect the possibility for an independent judicial or independent administrative authority in line with Directive 2010/13/EU to require the editorial content provider to terminate or prevent an infringement of applicable Union or national law. Intermediary service providers shall notify editorial content providers pursuant to Article 7a beforehand of any proposed changes to their terms and conditions and to their parameters or algorithms that might affect the organisation, presentation and display of content and services offered by the editorial content provider. The proposed changes shall not be implemented before the expiry of a notice period that is reasonable and proportionate to the nature and extent of the proposed changes and their impact on editorial content providers and the content and services they offer. That period shall begin on the date on which the online intermediary service provider notifies the editorial content providers of the proposed changes. The provision by an editorial content provider of new content and services using the intermediary services before the expiry of the notice period shall not be considered as a conclusive or affirmative action, given that such content is of particular importance for the exercise of fundamental rights, in particular the freedom of expression and information. Member States shall ensure that editorial content providers have the possibility to contest decisions of online platforms or to seek judicial redress in accordance with the national law of the*

*Member State concerned.*

## Amendment 97

### Proposal for a regulation Article 12 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

**2b. Individuals who are enforcing restrictions on the basis of terms and conditions of providers of intermediary services shall be given adequate initial and ongoing training on the applicable laws and international human rights standards, as well as on the action to be taken in case of conflict with the terms and conditions. Such individuals shall be provided with appropriate working conditions, including professional support, qualified psychological assistance and qualified legal advice, where relevant.**

## Amendment 98

### Proposal for a regulation Article 12 – paragraph 2 c (new)

*Text proposed by the Commission*

*Amendment*

**2c. Terms and conditions that do not comply with this Article shall not be binding on recipients.**

## Amendment 99

### Proposal for a regulation Article 13 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible **and** detailed reports on any content moderation they engaged in

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible, detailed **and accessible** reports on any content

during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

## Amendment 100

### Proposal for a regulation

#### Article 13 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders;

*Amendment*

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, ***separately for each Member State***, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders;

## Amendment 101

### Proposal for a regulation

#### Article 13 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by ***the category, including*** the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

## Amendment 102

### Proposal for a regulation

#### Article 13 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the number of fact-checkers, content moderators and trusted flaggers reporting for each Member State, accompanied by statistical analysis on the use made of automated means and the human oversight of such means;*

## **Amendment 103**

### **Proposal for a regulation Article 13 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

*Amendment*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed, ***including decisions reversed based on redress possibilities.***

## **Amendment 104**

### **Proposal for a regulation Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Online marketplaces shall also publish, at least once a year, publicly available statistics on the proportion of content, goods or services offered by traders versus consumers and the location thereof.***

## **Amendment 105**

### **Proposal for a regulation Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. **Paragraph** 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

2. **Paragraphs 1 and 1a** shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

## **Amendment 106**

### **Proposal for a regulation Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 13a**

##### ***Traceability of business customers***

1. ***A provider of intermediary services shall ensure that business customers can only use its services to promote messages on or to offer products, content or services to consumers located in the Union if, prior to the use of its services, the provider of intermediary services has obtained the following information:***

***(a) the name, address, telephone number and electronic mail address of the business customer;***

***(b) a copy of the identification document of the business customer or any other electronic identification as defined in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>1a</sup>;***

***(c) the bank account details of the business customer, where the business customer is a natural person;***

***(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3, point 13 and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>1b</sup> or any relevant act of Union law;***

***(e) where the business customer is registered in a corporate or trade register***

*or similar public register, the register in which the business customer is registered and its registration number or equivalent means of identification in that register;*

*(f) a self-certification by the business customer committing to only offer products or services that comply with the applicable rules of Union law;*

*2. The provider of intermediary services shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any publicly accessible official online database or online interface made available by a Member State or the Union or through requests to the business customer to provide supporting documents from reliable and independent sources.*

*3. Where the provider of intermediary services obtains indications, including through a notification by law enforcement agencies or other individuals with a legitimate interest, that any item of information referred to in paragraph 1 obtained from the business customer concerned is inaccurate, misleading, or incomplete, or otherwise invalid, that provider of intermediary services shall request the business customer to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law. Where the business customer fails to correct or complete that information, the provider of intermediary services shall suspend the provision of its service to the business customer until the request is complied with.*

*4. The provider of intermediary services shall store the information obtained pursuant to paragraphs 1 and 2 in a secure manner for a period of two years following the termination of their contractual relationship with the business*



*customer concerned. They shall subsequently delete the information.*

*5. Providers of intermediary services shall apply the identification and verification measures set out in paragraphs 1 and 2 not only in relation to new business customers but they shall also update the information they hold on existing business customers on a risk-sensitive basis, and at least once a year, or when the relevant circumstances of a business customer change.*

*6. Without prejudice to paragraph 2, the provider of intermediary services shall disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation, as well as pursuant to proceedings initiated under other relevant provisions of Union or national law.*

*7. The provider of intermediary services shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.*

*8. The provider of intermediary services shall design and organise its online interface in a way that enables business customers to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.*

*9. The Digital Services Coordinator of establishment shall determine dissuasive financial penalties for non-compliance with this Article.*

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*<sup>1a</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for*

*electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).*

*<sup>1b</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).*

## **Amendment 107**

### **Proposal for a regulation Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 13b*

##### *Display of the identity of traders*

*Intermediary service providers shall ensure that the identity, such as the trademark or logo or other characteristic traits, of the provider providing content, goods or services using the intermediary services is clearly visible alongside the content, goods or services offered.*

## **Amendment 108**

### **Proposal for a regulation Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify **and assess** the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the

elements:

following elements:

## Amendment 109

### Proposal for a regulation

#### Article 14 – paragraph 2 – point b

*Text proposed by the Commission*

(b) ***a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;***

*Amendment*

(b) ***sufficiently precise and adequately substantiated information to allow a diligent economic operator to reasonably identify the illegal content;***

## Amendment 110

### Proposal for a regulation

#### Article 14 – paragraph 3

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices ***that are adequately precise, substantiated and*** that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

## Amendment 111

### Proposal for a regulation

#### Article 14 – paragraph 5

*Text proposed by the Commission*

5. The provider shall also, without undue delay, notify that individual or entity of its ***decision*** in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that ***decision***.

*Amendment*

5. The provider shall also, without undue delay, notify that individual or entity ***whose content was removed or challenged*** of its ***action*** in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that ***action, including the***

*opportunity to reply, unless this would obstruct the prevention and prosecution of serious criminal offences. The provider shall ensure that the decision-making process is reviewed and any final action or measure is taken by qualified staff;*

## Amendment 112

### Proposal for a regulation Article 14 – paragraph 6

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner ***and in compliance with the obligation under Article 5(1)(b) to act expeditiously to remove or disable access to the illegal content. When a decision has been taken to remove or disable information, the providers of hosting services shall take all necessary measures to prevent the same or equivalent illegal content from reappearing on their service.*** Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

## Amendment 113

### Proposal for a regulation Article 14 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. When the provider of hosting services decides to remove or disable illegal information provided by the recipient of the service, the provider shall also prevent the reappearance of that***

*information. This order may also extend to specific information that is identical to the notified information or to equivalent information which remains essentially unchanged compared to the information previously notified and removed or to which access was disabled. The application of this requirement shall not lead to any general monitoring obligation.*

#### **Amendment 114**

##### **Proposal for a regulation Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b.** *This Article does not apply to the editorial content and services provided by a media service provider identified in accordance with Article 12.*

#### **Amendment 115**

##### **Proposal for a regulation Article 14 – paragraph 6 c (new)**

*Text proposed by the Commission*

*Amendment*

**6c.** *A decision taken pursuant to a notice submitted in accordance with Article 14(1) shall protect the rights and legitimate interests of all affected parties, in particular their fundamental rights as enshrined in the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue.*

#### **Amendment 116**

##### **Proposal for a regulation Article 14 – paragraph 6 d (new)**

*Text proposed by the Commission*

*Amendment*

**6d. The provider of hosting services shall ensure that the processing of notices is undertaken by qualified individuals to whom adequate initial and ongoing training on the applicable legislation and international human rights standards, as well as appropriate working conditions are provided, including, where relevant, professional support, qualified psychological assistance and legal advice.**

## **Amendment 117**

### **Proposal for a regulation Article 15 – paragraph 1**

#### *Text proposed by the Commission*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, **at the latest at the time of** the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

#### *Amendment*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient **and notifier, immediately after** the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

## **Amendment 118**

### **Proposal for a regulation Article 15 – paragraph 2 – point c**

#### *Text proposed by the Commission*

(c) where applicable, information on the use made of automated means **in taking** the decision, including where the decision was taken in respect of content detected or identified using automated means;

#### *Amendment*

(c) where applicable, information on the use made of automated means **accompanying** the decision, including where the decision was taken in respect of content detected or identified using automated means;

## **Amendment 119**

### **Proposal for a regulation Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 15a*

##### *Trusted flaggers*

- 1. Providers of hosting services shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14 are processed and decided upon with priority and without delay.**
- 2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:**
  - (a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;**
  - (b) it represents collective interests or it has a significant legitimate interest along with demonstrated expertise and a proven experience in flagging illegal content with high rate of accuracy while being independent from any online hosting services provider or platform;**
  - (c) it carries out not less than part of its activities for the purposes of submitting notices in a timely, diligent and objective manner.**
- 3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.**

**4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.**

**5. Where a provider of hosting services has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.**

**6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by a hosting services provider pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.**

**7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.**

**Amendment 120**

**Proposal for a regulation**



## Article 17 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

*Amendment*

1. Online platforms shall provide recipients of the service, **and individuals or entities that have submitted a notice**, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

### Amendment 121

#### Proposal for a regulation

##### Article 17 – paragraph 1 – point a

*Text proposed by the Commission*

(a) decisions to remove or disable access to the information;

*Amendment*

(a) decisions to remove, **restrict, demote,** or disable access to **or impose other sanctions against** the information;

### Amendment 122

#### Proposal for a regulation

##### Article 17 – paragraph 1 – point c

*Text proposed by the Commission*

(c) decisions to suspend or terminate the recipients' account.

*Amendment*

(c) decisions to suspend or terminate the recipients' account;

### Amendment 123

#### Proposal for a regulation

##### Article 17 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) decisions not to act upon the receipt of a notice.**

## **Amendment 124**

### **Proposal for a regulation Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, ***including for persons with disabilities***, user-friendly ***and non-discriminatory*** and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. ***Online platforms shall set out the rules of procedure of their internal complaint handling system in their terms and conditions in a clear, user-friendly and easily accessible manner, including for persons with disabilities.***

## **Amendment 125**

### **Proposal for a regulation Article 17 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means ***but have adequate human oversight and are reviewed by qualified staff who shall receive adequate initial and ongoing training on the applicable legislation, including, where relevant, professional support, qualified psychological assistance and legal advice.***

## **Amendment 126**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

*Amendment*

Recipients of the service, ***as well as individuals or entities that have submitted a notice***, addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

**Amendment 127**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is ***made*** easily accessible, ***including for persons with disabilities***, through electronic communication technology;

**Amendment 128**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the anonymity of the individuals involved in the settlement procedure can be guaranteed;***

**Amendment 129**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) it *is capable of* settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it *ensures the* settling *of a* dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union *or, at the request of the recipient, at least in English;*

**Amendment 130**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure.

*Amendment*

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure *which are easily and publicly accessible;*

**Amendment 131**

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(ea) it ensures that a preliminary decision is taken within a period of seven days following the reception of the complaint and that the outcome of the dispute settlement is made available within a period of 90 calendar days from the date on which the body has received the complete complaint file.*

**Amendment 132**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) it represents collective interests and is independent from any online platform;

(b) it represents collective interests, ***ensures independent public interest representation*** and is independent from any online platform, ***political parties or commercial interest***;

### Amendment 133

#### Proposal for a regulation Article 19 – paragraph 3

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

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

##### *Amendment*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2. ***Digital Services Coordinators shall engage in a regular dialogue with platforms and rightholders for maintaining the accuracy and efficacy of a trusted flagger system.***

### Amendment 134

#### Proposal for a regulation Article 19 – paragraph 5

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

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary

##### *Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of ***wrongful***, insufficiently precise or inadequately substantiated notices ***or notices regarding legal content*** through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity

explanations and supporting documents.

concerned **and shall inform the Board and other Digital Services Coordinators**, providing the necessary explanations and supporting documents.

## Amendment 135

### Proposal for a regulation Article 19 – paragraph 6

#### *Text proposed by the Commission*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

#### *Amendment*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger. **Before revoking that status, the Digital Services Coordinator shall inform the Board and other Digital Services Coordinators of the decision to revoke.**

## Amendment 136

### Proposal for a regulation Article 20 – paragraph 1

#### *Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide **manifestly** illegal content.

#### *Amendment*

1. Online platforms shall suspend, **or otherwise restrict**, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide **or disseminate** illegal content. **In cases of repeated suspension, providers of hosting services shall terminate the**

*provision of their services and, where technically possible, introduce mechanisms that prevent the re-registration of recipients of service that frequently provide or disseminate illegal content.*

## **Amendment 137**

### **Proposal for a regulation Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms **shall** suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms **and** internal complaints-handling systems referred to in Articles 14 **and 17**, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are **manifestly** unfounded.

*Amendment*

2. Online platforms **may** suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms, internal complaints-handling systems **and out-of-court dispute settlement bodies** referred to in Articles 14, **17 and 18**, respectively, by individuals or entities or by complainants that frequently **or repeatedly** submit notices or complaints **or initiate dispute settlements** that are unfounded.

## **Amendment 138**

### **Proposal for a regulation Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the absolute numbers of items of **manifestly** illegal content or **manifestly** unfounded notices or complaints, submitted in the past year;

*Amendment*

(a) the absolute numbers of items of illegal content or unfounded notices or complaints, submitted in the past year;

## **Amendment 139**

### **Proposal for a regulation Article 20 – paragraph 4**

*Text proposed by the Commission*

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

*Amendment*

4. Online platforms shall set out, in a clear and detailed manner, ***with due regard to their obligations under Article 12(2), in particular as regards the applicable fundamental rights of the recipients of the service as enshrined in the Charter***, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension ***or other restrictions of services on recipients of service***.

**Amendment 140**

**Proposal for a regulation  
Article 23 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of ***manifestly*** illegal content, the submission of ***manifestly*** unfounded notices and the submission of ***manifestly*** unfounded complaints;

*Amendment*

(b) the number of suspensions ***or other restrictions of services*** imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of illegal content, the submission of unfounded notices and the submission of unfounded complaints ***and presented separately by means identified, namely out-of-court disputes, notice and action mechanism or orders from judicial or administrative authority***;

**Amendment 141**

**Proposal for a regulation  
Article 23 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) any use made of automatic means for the purpose of content moderation,

*Amendment*

(c) any use made of automatic means for the purpose of content moderation,



including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.

including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied, ***including human oversight and decisions made.***

## **Amendment 142**

### **Proposal for a regulation Article 24 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***Online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.***

## **Amendment 143**

### **Proposal for a regulation Article 24 – paragraph -1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.***

## Amendment 144

### Proposal for a regulation

#### Article 24 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

(b) the natural or legal person on whose behalf the advertisement is displayed ***and the advertising agency or publishers managing the advertisement, including the criteria used by the ad-tech platform services, such as pricing mechanisms, advertising auctions and their weighting, the fees charged by ad exchanges, and the identity of the natural or legal person(s) responsible for the possible automated system;***

## Amendment 145

### Proposal for a regulation

#### Article 24 – paragraph 1 – point c

*Text proposed by the Commission*

(c) meaningful information about the ***main*** parameters used to determine the recipient to whom the advertisement is displayed.

*Amendment*

(c) meaningful information about the parameters used to determine the recipient to whom the advertisement is displayed, ***including how the information is ranked and prioritised by algorithmically suggesting on users online interfaces in an easily comprehensive manner;***

## Amendment 146

### Proposal for a regulation

#### Article 24 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) Providers of intermediary services shall, by default, not make the recipients of their services subject to targeted, micro targeted and behavioural advertising unless the recipient of the service has***

*explicitly given consent via opt-in.*

**Amendment 147**

**Proposal for a regulation  
Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***With regard to requirements set out in points (b) and (c), providers of online advertising intermediaries must ensure the transmission of information held by them to recipients of the service.***

**Amendment 148**

**Proposal for a regulation  
Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 24a***

***Additional due diligence requirements for online marketplaces***

***Online marketplaces shall take reasonable precautions, such as regular spot checks on the products and services available on their platforms, in order to identify products or services that do not comply with Union or national law and shall take necessary measures to partially or fully suspend infringing traders.***

**Amendment 149**

**Proposal for a regulation  
Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once

a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union **and shall submit a report of that risk assessment to the national competent authority of the Member State in which their legal representative is established.** This risk assessment shall be specific to their services and shall include the following systemic risks:

## Amendment 150

### Proposal for a regulation Article 26 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination **and amplification** of illegal content through their services;

## Amendment 151

### Proposal for a regulation Article 26 – paragraph 1 – point b

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights **to** respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in **Articles 7, 11, 21 and 24** of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental rights, **including to the** respect for **human dignity**, private and family life, freedom of expression and information **including the freedom and pluralism of the media, freedom of the arts and sciences, and the right to education**, the prohibition of discrimination and the rights of the child, as enshrined in the Charter respectively;

## Amendment 152

### Proposal for a regulation Article 26 – paragraph 1 – point c

*Text proposed by the Commission*

(c) ***intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on*** the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) ***any negative effects to*** the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

### **Amendment 153**

#### **Proposal for a regulation Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the ***systemic*** risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions. ***Very large online platforms shall ensure that their terms and conditions as well as other policies, procedures, measures and tools used for the purpose of content moderation are applied and enforced in such a way as to prohibit any removal, suspension, disabling access to or otherwise interference with content and services from the account of a recognised media service provider as defined in Article 1, paragraph 1 (a) of the Directive (EU) 2018/1808.***

### **Amendment 154**

#### **Proposal for a regulation Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific **systemic** risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific risks identified pursuant to Article 26. Such measures may include, where applicable:

**Amendment 155**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;

*Amendment*

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide, **limiting providers of disinformation and monetisation of fake news, limiting reach of advertisement and advertisements identified as posing a risk pursuant to Article 26;**

**Amendment 156**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) initiating or adjusting cooperation with media service providers;**

**Amendment 157**

**Proposal for a regulation**

**Article 27 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**The decision as to the choice of measures shall remain with the platform.**

## Amendment 158

### Proposal for a regulation Article 27 – paragraph 2 – point a

*Text proposed by the Commission*

(a) identification and assessment of the most prominent and recurrent **systemic** risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

*Amendment*

(a) identification and assessment of the most prominent and recurrent risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

## Amendment 159

### Proposal for a regulation Article 27 – paragraph 3

*Text proposed by the Commission*

3. The Commission, in cooperation with the Digital Services Coordinators, **may** issue **general** guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

*Amendment*

3. The Commission, in cooperation with the Digital Services Coordinators, **shall** issue guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

## Amendment 160

### Proposal for a regulation Article 28 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least **once** a year, to audits to assess compliance

*Amendment*

1. Very large online platforms shall be subject, at their own expense and at least **twice** a year, to audits to assess compliance

with the following:

## Amendment 161

### Proposal for a regulation Article 29 – paragraph 1

#### *Text proposed by the Commission*

1. **Very large** online platforms that use recommender systems shall set out in their terms and conditions, **in a** clear, accessible and easily comprehensible **manner**, the main parameters used in their recommender systems, as well as **any** options for the recipients of the service to modify or influence those **main** parameters that they may have made available, including **at least one option** which **is** not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

with the following:

#### *Amendment*

1. **The parameters used in recommender systems shall be set up in such a way that they reduce any potential bias and that they are non-discriminatory and adaptable.** Online platforms that use recommender systems shall set out **separately**, in their terms and conditions **and on a designated easily accessible webpage, in a manner which is** clear, accessible and easily comprehensible **for all, the information concerning the role and functioning of recommender systems and** the main parameters used in their recommender systems, **and they shall offer control with the available** options for the recipients of the service to modify or influence those parameters that they may have made available, including **options** which **are** not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679. **Online platforms shall ensure that the option activated by default for the recipient of the service is not based on profiling.**

**In addition to the obligations set out in the first subparagraph of this paragraph, very large online platforms may offer to the recipients of the service the choice of using recommender systems from third party providers, where available. In these cases, third parties shall be offered access to the same operating system, hardware or software features that are available or used in the provision by the platform of its own recommender systems. Any processing of personal data related to those activities shall comply with Regulation (EU) 2016/679, in particular**



## Amendment 162

### Proposal for a regulation Article 29 – paragraph 2

*Text proposed by the Commission*

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

*Amendment*

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily ***and clearly*** accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them. ***When a user creates an account, the settings for recommender systems shall be the default ones, not based on profiling, and shall give the user, in a easily comprehensible manner, a choice to set the main parameters to be used in recommender systems.***

## Amendment 163

### Proposal for a regulation Article 29 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Very large online platforms shall ensure that their online interface is designed in such a way that there is no danger of it misleading or manipulating the recipients of the service.***

## Amendment 164

### Proposal for a regulation Article 30 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a ***searchable, easy to access and functional*** repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

## Amendment 165

### Proposal for a regulation Article 30 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

(b) the natural or legal person on whose behalf the advertisement is displayed, ***and the natural or legal person who finances the advertisement;***

## Amendment 166

### Proposal for a regulation Article 30 – paragraph 2 – point d

*Text proposed by the Commission*

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose;

*Amendment*

(d) whether the advertisement was intended to be displayed specifically to ***or concealed specifically from*** one or more particular groups of recipients of the service and if so, the main parameters used for that purpose;

## Amendment 167

### Proposal for a regulation Article 30 – paragraph 2 – point e

*Text proposed by the Commission*

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

*Amendment*

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically;

**Amendment 168**

**Proposal for a regulation**

**Article 30 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) whether the advertisement has been labelled, moderated, or disabled.***

**Amendment 169**

**Proposal for a regulation**

**Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and ***within a reasonable period, specified in the request***, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and ***without undue delay, full access to all available and relevant*** data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

**Amendment 170**

**Proposal for a regulation**

**Article 31 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Upon ***a reasoned*** request from the Digital Services Coordinator ***of***

2. ***With regard to moderation and recommender systems, very large online***

*establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).*

*platforms shall, upon request, provide the Digital Services Coordinator or the Commission, or both, access to algorithms by providing the relevant source code and associated data that allow the detection of possible biases. When disclosing these data, very large online platforms shall have a duty of explainability and ensure close cooperation with the Digital Services Coordinator or the Commission to make moderation and recommender systems fully understandable. When a bias is detected, very large online platforms shall correct it expeditiously following requirements from the Digital Services Coordinator or the Commission. Very large online platforms shall be able to demonstrate their compliance with the requirements set out in this Article at every step of the process.*

#### **Amendment 171**

##### **Proposal for a regulation Article 31 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.**

*deleted*

#### **Amendment 172**

##### **Proposal for a regulation Article 31 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Commission shall, after**

**5. The Commission shall, after**

consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 **and** the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with ***vetted researchers*** can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with ***the Digital Services Coordinator or the Commission*** can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

#### **Amendment 173**

##### **Proposal for a regulation Article 31 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:**

***deleted***

- (a) it does not have access to the data;**
- (b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.**

#### **Amendment 174**

##### **Proposal for a regulation Article 31 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.**

**deleted**

***The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.***

## **Amendment 175**

### **Proposal for a regulation Article 31 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 31a**

**1. Upon request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks asset out in Article 26(1).**

**2. In order to be vetted, researchers shall be affiliated with academic institutions, media, civil society or international organisations representing the public interest, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research**

*methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.*

*3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.*

*4. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation(EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.*

*5. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested by vetted researchers because one of following two reasons:*

- (a) it does not have access to the data;*
- (b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets, in exceptional circumstances, when justified by an obligation under Article 18 of Directive (EU) 2020/0359 and Article 32(1)(c) of Regulation (EU) 2016/679.*

**6. Requests for amendment pursuant to point (b) of paragraph 5 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.**

***The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.***

## **Amendment 176**

### **Proposal for a regulation Article 32 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.

*Amendment*

1. Very large online platforms shall appoint one or more compliance officers, ***for every Member State in their official language***, responsible for monitoring their compliance with this Regulation.

## **Amendment 177**

### **Proposal for a regulation Article 33 – paragraph 1**

*Text proposed by the Commission*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.

*Amendment*

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months. ***The reports shall include information disaggregated by Member State and provide information on the human and technical resources allocated for the purpose of content moderation for each official language of***



*the Union.*

## **Amendment 178**

### **Proposal for a regulation**

#### **Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 33a**

##### **Accessibility requirements**

- 1. Very large online platforms which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.**
- 2. Very large online platforms shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation.**
- 3. Very large online platforms shall ensure that information, and measures provided pursuant to Articles 10, 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and (4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with disabilities.**
- 4. Very large online platforms which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements.**
- 5. In the case of non-conformity,**

*providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements and shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established.*

*6. Very large online platforms shall, cooperate with the competent authority or Digital Services Coordinator, upon a reasoned request, and provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements.*

*7. Very large online platforms shall be presumed to be in conformity with the accessibility requirements of this Regulation when they are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union.*

*8. Very large online platforms which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.*

*9. Very large online platforms shall, at least once a year, report to Digital Service Coordinators or other competent authorities on their obligation to ensure accessibility for persons with disabilities as required by this Regulation.*

*10. In addition to the information included in Article 44(2), activity reports by the Digital Services Coordinators shall include measures taken pursuant to Article 10.*

## Amendment 179

### Proposal for a regulation Article 35 – paragraph 1

*Text proposed by the Commission*

1. The Commission and the Board shall ***encourage and facilitate*** the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

*Amendment*

1. The Commission and the Board shall ***request and coordinate*** the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

## Amendment 180

### Proposal for a regulation Article 35 – paragraph 2

*Text proposed by the Commission*

2. Where ***significant systemic*** risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission ***may*** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

*Amendment*

2. Where risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission ***shall*** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations, ***the European Parliament*** and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

## Amendment 181

### Proposal for a regulation Article 35 – paragraph 3

*Text proposed by the Commission*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at **Union level**. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

**Amendment 182**

**Proposal for a regulation  
Article 35 – paragraph 4**

*Text proposed by the Commission*

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

**Amendment 183**

**Proposal for a regulation  
Article 37 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain **verifiable** key performance indicators to measure the achievement of those objectives, **have an independent monitoring and audit systems in place** and take due account of the needs and interests of all interested parties, including citizens, at **Union level**. The Commission and the Board shall also aim to ensure that participants report regularly **and in good faith** to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

*Amendment*

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions **and request that the organisations involved amend their codes of conducts accordingly**.

(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;

(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level ***which are also accessible for persons with disabilities;***

#### **Amendment 184**

##### **Proposal for a regulation Article 37 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) measures to ensure accessibility for persons with disabilities during the implementation of crisis protocols, including by providing accessible description about these protocols;***

#### **Amendment 185**

##### **Proposal for a regulation Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks.

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks. ***Member States shall ensure that their Digital Services Coordinators are legally distinct from the government and functionally independent of their respective governments and of any other public or private body.***

#### **Amendment 186**

##### **Proposal for a regulation Article 39 – paragraph 2**

*Text proposed by the Commission*

2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any *other* public authority or any private party.

*Amendment*

2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any public authority or any private party.

**Amendment 187**

**Proposal for a regulation  
Article 43 – paragraph 1**

*Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

*Amendment*

Recipients of the service, *as well as other parties having a legitimate interest and meeting relevant criteria of expertise and independence from any intermediary service provider* shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

**Amendment 188**

**Proposal for a regulation  
Article 45 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a.** *Member States shall introduce expedited procedures under which an order granted by a court or competent administrative authority in another Member State against a provider of intermediary services whose services are used to disseminate illegal content, can be used as a basis for court or administrative order in the Member State against similar providers of intermediary services whose service are used to disseminate the same illegal content. National Digital Services Coordinators shall make public decisions by judicial or administrative authorities provided to them by other Digital Services Coordinators under Article 8 of this Regulation.*

## **Amendment 189**

### **Proposal for a regulation Article 46 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Where at least three Digital Services Coordinators or the Board identify a common pattern of non-compliance with orders issued under Articles 8 and 9 vis-à-vis the same provider, they may request the Commission to initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 of this Regulation, irrespective of the size of the online platform. Such a request shall contain information listed in Article 45(2)(a) and (c) and all relevant information related to orders adopted under Articles 8 or 9 and to non-compliance with them.*

## **Amendment 190**

**Proposal for a regulation**  
**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

*Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator, ***notably representatives of European regulatory networks of independent national regulatory authorities, bodies or both***, shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

**Amendment 191**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision ***within a reasonable time period***.

*Amendment*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision ***without undue delay***.

**Amendment 192**

**Proposal for a regulation**  
**Article 50 – paragraph 2**



*Text proposed by the Commission*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan **may** include, where appropriate, participation in a code of conduct as provided for in Article 35.

**Amendment 193**

**Proposal for a regulation  
Article 50 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it **may** request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within **four** months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

*Amendment*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan **shall** include, where appropriate, participation in a code of conduct as provided for in Article 35.

*Amendment*

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it **shall** request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within **two** months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC
<b>References</b>	COM(2020)0825 – C9-0418/2020 – 2020/0361(COD)
<b>Committee responsible</b> Date announced in plenary	IMCO 8.2.2021
<b>Opinion by</b> Date announced in plenary	CULT 8.2.2021
<b>Rapporteur for the opinion</b> Date appointed	Sabine Verheyen 20.1.2021
<b>Discussed in committee</b>	13.7.2021
<b>Date adopted</b>	27.9.2021
<b>Result of final vote</b>	+: 23 –: 2 0: 4
<b>Members present for the final vote</b>	Asim Ademov, Ilana Cicurel, Gilbert Collard, Gianantonio Da Re, Laurence Farreng, Tomasz Frankowski, Romeo Franz, Chiara Gemma, Alexis Georgoulis, Irena Joveva, Petra Kammerevert, Predrag Fred Matic, Dace Melbārde, Victor Negrescu, Niklas Nienaaß, Peter Pollák, Marcos Ros Sempere, Domènec Ruiz Devesa, Monica Semedo, Andrey Slabakov, Massimiliano Smeriglio, Michaela Šojdrová, Sabine Verheyen, Maria Walsh, Theodoros Zagorakis, Milan Zver
<b>Substitutes present for the final vote</b>	Marcel Kolaja, Elżbieta Kruk
<b>Substitutes under Rule 209(7) present for the final vote</b>	Evelyne Gebhardt

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

23	+
ECR	Elzbieta Kruk, Dace Melbārde, Andrey Slabakov
NI	Chiara Gemma
PPE	Asim Ademov, Tomasz Frankowski, Peter Pollák, Michaela Šojdrová, Sabine Verheyen, Maria Walsh, Theodoros Zagorakis, Milan Zver
Renew	Ilana Cicurel, Laurence Farreng, Monica Semedo
S&D	Evelyne Gebhardt, Petra Kammerevert, Predrag Fred Matic, Victor Negrescu, Marcos Ros Sempere, Domènec Ruiz Devesa, Massimiliano Smeriglio
The Left	Alexis Georgoulis

2	-
Verts/ALE	Romeo Franz, Marcel Kolaja

4	0
ID	Gilbert Collard, Gianantonio Da Re
Renew	Irena Joveva
Verts/ALE	Niklas Nienab

**Key to symbols:**

+ : in favour

- : against

0 : abstention