AMENDMENTS
224 - 480

Draft opinion
Sabine Verheyen
(PE693.943v01-00)

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

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

Amendment 225
Martina Michels, Alexis Georgoulis

Proposal for a regulation
Recital 58

Text proposed by the Commission

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

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. This will involve ensuring digital care, the internal removal of illegal content, in particular the deletion of previously-identified scenes of violence in illegal content, by means of psychological
including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

**Amendment 226**

**Marcel Kolaja**

**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 support and the imposition of an appropriate time limit for these tasks.

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

**Amendment**

(58) Very large online platforms should deploy the necessary means to diligently mitigate the **adverse impacts** identified in the **fundamental rights impact** 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
conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

Amendment 227
Irena Joveva

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

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing
or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Amendment 228
Dace Melbārde
Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding democracy and public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding democracy and public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.
Amendment 229
Petra Kammerevert, Christel Schaldemose

Proposal for a regulation
Recital 58 a (new)

*Text proposed by the Commission*

Amendment

(58 a) Mitigation of risks, which would lead to removal, disabling access to or otherwise interfering with content and services for which a media service provider holds editorial responsibility, should not be considered reasonable or proportionate.

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, independent experts and civil society organisations.

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

Amendment 231
Marcel Kolaja

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

Amendment

(59) Very large online platforms should, where appropriate, conduct their impact 
assessments and design their mitigation 
measures with the involvement of 
representatives of the recipients of the 
service, representatives of groups 
potentially impacted by their services, 
independent experts and civil society 
organisations.

Or. en

Amendment 232

Marcel Kolaja

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) Given the need to ensure 
verification by independent experts, very 
large online platforms should be 
accountable, through independent auditing, 
for their compliance with the obligations 
laid down by this Regulation and, where 
relevant, any complementary 
commitments undertaking pursuant to 
codes of conduct and crises protocols. 
They should give the auditor access to all 
relevant data necessary to perform the 
audit properly. Auditors should also be 
able to make use of other sources of 
objective information, including studies by 
vetted researchers. Auditors should 
 guarantees the confidentiality, security and 
integrity of the information, such as trade 
secrets, that they obtain when performing 
their tasks and have the necessary expertise 
in the area of risk management and 
technical competence to audit algorithms. 
Auditors should be independent, so as to be 
able to perform their tasks in an adequate 
and trustworthy manner. If their 

Amendment

(60) Given the need to ensure 
verification by independent experts, very 
large online platforms should be 
accountable, through independent auditing, 
for their compliance with the obligations 
laid down by this Regulation. They should 
give the Fundamental Rights Agency and 
the audit or access to all relevant data 
necessary to perform the audit properly. 
The Fundamental Rights Agency and the 
auditors should also be able to make use of 
other sources of objective information, 
including studies by vetted researchers. 
The Fundamental Rights Agency and the 
auditors should guarantee the 
confidentiality, security and integrity of the 
information, such as trade secrets in line 
with Directive(EU) 2016/943, that they 
obtain when performing their tasks and 
have the necessary expertise in the area of 
risk management and technical competence 
to audit algorithms. Auditors should be 
independent, so as to be able to perform 
their tasks in an adequate and trustworthy
independence is not beyond doubt, they should resign or abstain from the audit engagement. 

manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Or. en

Amendment 233
Irena Joveva

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 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. When recommender systems use profiling of the recipient they should at least provide to the recipient a description of the basis...
upon which profiling is performed, including whether personal data and data derived from user activity is relied on, the processing applied, the purpose for which the profile is prepared and eventually used, and the impact of such profiling, as well as to seek their explicit consent in a user-friendly manner.

Amendment 234
Marcel Kolaja
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

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options that are not based on profiling of the recipient.

_In addition, very large online platforms should offer the recipients of the service the choice of using recommender systems from third party providers, where available. Such third parties should 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._

Amendment 235
Laurence Farreng

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

_Amendment_

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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.

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 236
Dace Melbärde

Proposal for a regulation
Recital 63

Text proposed by the Commission

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

Amendment

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform’s online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should 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, in particular where targeted advertising is concerned.
Amendment 237
Irena Joveva

Proposal for a regulation
Recital 63

Text proposed by the Commission

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

Amendment

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform’s online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with 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.

Or. en

Amendment 238
Dace Melbārde

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

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 frameworks for compelling access to data from very large online platforms to the Digital Services Coordinator and the Commission on the one hand, and, to vetted researchers, on the other hand. All requirements for access to data under those frameworks should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Or. en

Amendment 239
Marcel Kolaja

Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) In order to appropriately supervise

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.

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 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 a framework for compelling access to data from very large online platforms. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets in line with Directive (EU) 2016/943 and the privacy of any other parties concerned, including the recipients of the service.

Amendment 240
Marcel Kolaja
Proposal for a regulation
Recital 65 a (new)
(65 a) Given the cross-border nature of the services at stake, EU 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 legislation on accessibility, as many of the services falling under those laws will rely on intermediary services to reach end-users. Therefore, accessibility requirements for very large online platforms, including their user interfaces, must be consistent with existing Union accessibility legislation, including Directive (EU) 2019/882 and Directive (EU) 2016/2102.

Or. en

Amendment 241
Victor Negrescu

Proposal for a regulation
Recital 66

(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 of content hosting platforms.
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.

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 242
Marcel Kolaja

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 may facilitate 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 243
Marcel Kolaja

Proposal for a regulation
(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.

Or. en

Amendment 244
Irena Joveva

Proposal for a regulation
Recital 68

(68) It is appropriate that this Regulation

(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 245
Marcel Kolaja
Proposal for a regulation
Recital 70

Text proposed by the Commission
(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives.

Amendment
(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts may support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information.

Amendment 246
Marcel Kolaja
Proposal for a regulation
Recital 71

Text proposed by the Commission
(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where,

Amendment
(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of voluntary crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where,
for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount to a general obligation for the participating very large online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content. The Commission should also ensure that measures are in place to ensure accessibility for persons with disabilities during the implementation of crisis protocols.

Amendment 247
Marcel Kolaja
Proposal for a regulation
Recital 71 a (new)

Text proposed by the Commission

(71 a) Before initiating or facilitating the negotiation or the revision of codes of conduct, the Commission should consider the appropriateness of proposing legislation and invite the European Parliament, the Council, the Fundamental Rights Agency, the public and, where relevant, the European Data Protection Supervisor to express their opinion and publish their opinions. It should also conduct a Fundamental Rights Impact Assessment and publish the findings.
Amendment 248
Victor Negrescu

Proposal for a regulation
Recital 72

Text proposed by the Commission

(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States. To this end, they should appoint at least one authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications’ regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.

Amendment

(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States, with the possibility of European level oversight for a harmonised regulation enforcement. To this end, they should appoint at least one authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications’ regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.

Or. en

Amendment 249
Petra Kammerevert, Christel Schaldemose

Proposal for a regulation
Recital 73 a (new)

Text proposed by the Commission

(73 a) The designation of a Digital Services Coordinator in the Member States should be without prejudice to already existing enforcement

Amendment

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

Or. en

Justification

In line with Amendment 22, these sector-specific authorities and regulators are long experienced, independent and competent in their task and there is no need to change that. Where coordination is needed and to ensure effective and consistent EU-wide enforcement, the European networks (such as ERGA for audiovisual media or BEREC for electronic communication) shall be responsible to deal with these matters and be tasked to develop effective and efficient cross-border procedures.

Amendment 250
Hannes Heide, Petra Kammerervert

Proposal for a regulation
Recital 76 a (new)

Text proposed by the Commission

(76 a) 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 251
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

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
Justification

It would be important to make sure that national authorities are informed and trained on how to use the orders foreseen in articles 8 and 9.

Amendment 252
François-Xavier Bellamy

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 253  
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

Proposal for a regulation  
Recital 91

Text proposed by the Commission

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

Amendment

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, 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.

Or. en

Justification

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

Amendment 255
Martina Michels, Alexis Georgoulis

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 256
Petra Kammerevert

Proposal for a regulation
Article 1 – paragraph 5 – introductory part
5. This Regulation is *without prejudice to* the rules laid down by the following:

   *Or. en*

**Justification**

The current wording leaves too much legal uncertainty as to which provisions apply when. Thus, it is of paramount importance to clarify here that sector-specific legislation - in particular when affecting the freedom and diversity of the media and areas covered by Art. 167 (4) TFEU (e.g. foster cultural & linguistic diversity) - prevails before horizontal rules as introduced with the Digital Services Act package.

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**Amendment 257**

Irena Joveva

Proposal for a regulation
Article 1 – paragraph 5 – point b a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(b a)</em> Directive (EU)2019/790;</td>
<td><em>Or. en</em></td>
</tr>
</tbody>
</table>

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**Amendment 258**

Laurence Farreng

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(c)</em> Union law on copyright and related rights;</td>
<td><em>(c)</em> Union law on copyright and related rights, <em>in particular Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market;</em></td>
</tr>
</tbody>
</table>

| *Or. fr* |

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**Amendment 259**
Sabine Verheyen

Proposal for a regulation
Article 1 – paragraph 5 – point i a (new)

Text proposed by the Commission

(i a) Member States competences to adopt legislation addressed to providers of intermediary service shall not be affected by this Regulation if this is deemed necessary to ensure, protect and or promote cultural diversity and plurality of the media. Any such legislation adding obligation and or creating exemptions or derogations from this regulation shall be compatible with Union law.

Or. en

Amendment

Amendment 260
Petra Kammerervert, Christel Schaldemose

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

Text proposed by the Commission

5 a. This Regulation shall not affect the possibility of Member States to adopt new legislation as well as to take regulatory measures, especially with regard to intermediary service providers that serve a legitimate public interest, in particular to protect the freedom of information and media or to foster the diversity of media and opinion or of cultural and linguistic diversity.

Or. en

Amendment

Amendment 261
Marcel Kolaja

Proposal for a regulation
Article 1 – paragraph 5 a (new)
Text proposed by the Commission

Amendment

5 a. This Regulation is without prejudice to national law regulating the protection and or promotion of cultural diversity and plurality of the media in conformity with Union law and the Charter of Fundamental Rights of the European Union.

Or. en

Amendment 262
Petra Kammerevert

Proposal for a regulation
Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1 a

No circumvention of the rules set out in this Regulation

1. Any contractual provision between an intermediary service provider and a recipient of its service, between an intermediary service provider and a trader or between a recipient of its service and a trader, which is contrary to this Regulation, is invalid.

2. This Regulation shall apply irrespective of the law applicable to contracts.

Or. en

Amendment 263
Sabine Verheyen

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

Text proposed by the Commission

Amendment

(a a) 'media service provider' means the
natural or legal person who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised, who is subject to media specific regulation, including self-regulatory standards and has put in place complaints handling mechanisms to resolve content-related disputes;

Amendment 264
Sabine Verheyen
Proposal for a regulation
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

(b a) "publisher of press publications" is to be understood within the meaning of Art. 2(4) f Directive 2019/790;

Amendment

Or. en

Amendment 265
Marcel Kolaja
Proposal for a regulation
Article 2 – paragraph 1 – point g a (new)

Text proposed by the Commission

(g a) ‘manifestly illegal content’ means any information which has been subject of a specific ruling by a court or administrative authority of a Member State or where it is evident to a layperson, without any substantive analysis, that the content is in not in compliance with Union law or the law of a Member State;

Amendment

Or. en
Amendment 266
Irena Joveva
Proposal for a regulation
Article 2 – paragraph 1 – point g a (new)

Text proposed by the Commission

(g a) ‘Profiling’ means any form of automated processing of personal data as defined in point 4 of Article 4 of Regulation (EU) 2016/697;

Or. en

Amendment 267
Irena Joveva
Proposal for a regulation
Article 2 – paragraph 1 – point g b (new)

Text proposed by the Commission

(g b) ‘Personal data’ means any information as defined in point 1 of Article 4 of Regulation (EU) 2016/679;

Or. en

Amendment 268
Dace Melbärde
Proposal for a regulation
Article 2 – paragraph 1 – point h

Text proposed by the Commission

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

(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
service is not a means to circumvent the applicability of this Regulation.

Amendment 269
Dace Melbārde

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

Text proposed by the Commission

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Amendment

(o) ‘recommender system’ means a fully or partially automated system, designed as a separate tool from the principal service offered and used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Amendment 270
Irena Joveva

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

Text proposed by the Commission

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Amendment

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest, 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 271
Petra Kammerevert, Christel Schaldemose

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

Text proposed by the Commission

(q a) “media service provider” means the natural or legal person who has editorial responsibility for the content and services they offer, determines the manner in which it is organised, and complies with specific provisions or an audiovisual media service provider within the meaning of Article 1 paragraph 1(a) of Directive 2010/13/EU;

Or. en

Amendment 272
Marcel Kolaja

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

Text proposed by the Commission

(q a) ‘persons with disabilities’ means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882;

Or. en

Justification

Defining ‘persons with disabilities’ will ensure that accessibility is interpreted in the meaning of the UN CRPD. This definition will also ensure consistency with existing Union legislation on accessibility of services and products, namely the European Accessibility Act

Amendment 273
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

Proposal for a regulation
Article 5 a (new)
Amendment 274
Marcel Kolaja

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

Providers of intermediary services shall be
deemed ineligible for the exemptions from
liability referred to in Articles 3, 4 and 5
when they do not comply with the due
diligence obligations set out in this
Regulation.

Or. en

Amendment 275
Petra Kammerevert, Christel Schaldemose

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 (new)
Text proposed by the Commission

Amendment

Measures taken pursuant to paragraph 1 shall be effective, proportionate, specific, targeted and in accordance with the Charter.

Or. en

Amendment 276
Martina Michels, Alexis Georgoulis

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 provision of this Regulation should 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.

Or. de

Amendment 277
Marcel Kolaja

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.

Or. en
Amendment 278
Marcel Kolaja

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.

Or. en

Amendment 279
Petra Kammerevert, Christel Schaldemose

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

Prohibition of interference with content and services offered by media service providers and press publishers

1. Intermediary service providers shall not remove, disable access to or otherwise interfere with content and services made available by media service providers, who hold the editorial responsibility and comply with provisions consistent with EU and national law or by publishers of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790. Publishers’ and media service providers’ accounts shall not be suspended on the grounds of legal content and services they offer.

2. This Article shall not affect the possibility for an independent judicial or administrative authority of requiring the
media service provider to terminate or prevent an infringement of applicable Union or national law.

Or. en

Justification

Intermediaries should not assume editor-like roles as they currently sometimes do. A general prohibition of interference with content and services provided by media service providers and publishers of press publications is needed, as secondary control of media content in line with sector-specific rules and national provisions would pose risks to media freedom and availability of trustworthy information online. As such, content and services should benefit from a special regime that presumes their legality, intermediary service providers likewise should not be liable for it.

Amendment 280
Sabine Verheyen

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Orders to act against illegal content

Amendment

Cross-border orders to act against illegal content

Or. en

Amendment 281
Sabine Verheyen

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,

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 and national law, take measures to comply with the order and law, inform the
specifying the action taken and the moment when the action was taken.

authority issuing the order of 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.

Or. en

Amendment 282
Marcel Kolaja

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 283
Irena Joveva

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

Text proposed by the Commission

— information about redress available to the provider of the service and to the

Amendment

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

Amendment 284
Marcel Kolaja

Proposal for a regulation
Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

(b a) the territorial scope of an order addressed to a provider that has its main establishment or, if the provider is not established in the Union, its legal representation in another Member State is limited to the territory of the Member State issuing the order;

Amendment

Or. en

Amendment 285
Marcel Kolaja

Proposal for a regulation
Article 8 – paragraph 2 – point b b (new)

Text proposed by the Commission

(b b) if addressed to a provider that has its main establishment outside the Union, the territorial scope of the order, where Union law is infringed, is limited to the territory of the Union or, where national law is infringed, to the territory of the Member State issuing the order;

Amendment

Or. en

Amendment 286
Sabine Verheyen
Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Orders to provide information

Amendment

Cross-border orders to provide information

Or. en

Amendment 287
Marcel Kolaja

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 via a secure communication channel of an order to provide a specific item of information about one or more specific suspect or suspects of a serious threat to public security, issued by the relevant national judicial authority on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

Or. en

Amendment 288
Sabine Verheyen

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 a specific item of information about one or more specific individual...
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.

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 289
Marcel Kolaja

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

1 a. Providers of intermediary services shall, upon receipt via a secure communication channel of an order to provide national authorities, where proportionate and strictly necessary for the enforcement of existing national, regional or local regulation, a specific item of information about service providers’ licence numbers, the address of a rental, number of nights let on the platform or number of services provided, in compliance with Regulation (EU) 2016/679.

Amendment

2. Member States shall ensure that orders referred to in paragraph 1 meet the following conditions:

2. Member States shall ensure that orders referred to in paragraph 1 seek information about suspect or suspects of serious crime and meet the following
conditions:

Or. en

Amendment 291
Irena Joveva

Proposal for a regulation
Article 9 – paragraph 2 – point a – indent 1

Text proposed by the Commission

— a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

Amendment

— a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules;

Or. en

Amendment 292
Marcel Kolaja

Proposal for a regulation
Article 9 – paragraph 2 – point a – indent 1

Text proposed by the Commission

— a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

Amendment

— a detailed statement of reasons explaining the legal basis and the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, taking due account of the impact of the measures on fundamental rights;
Amendment 293
Marcel Kolaja

Proposal for a regulation
Article 9 – paragraph 2 – point a – indent 1 a (new)

Text proposed by the Commission

Amendment

- 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 294
Irena Joveva

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

Text proposed by the Commission

Amendment

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

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

Amendment 295
Marcel Kolaja

Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

With the exception of Article 7, this
Chapter shall not apply to online platforms that qualify as micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC or as a not-for-profit service with fewer than 100,000 monthly active users.

Amendment 296
Dace Melbārde

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 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.

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. Very large online platforms should provide for the possibility to communicate to their points of contact in every of the official languages of the Member States where they provide services.

Amendment 297
Dace Melbārde

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Providers of intermediary services shall include information on any

Amendment

1. Providers of intermediary services shall publish information on any

Or. en
restrictions that they impose in relation to
the use of their service in respect of
information provided by the recipients of
the service, in their terms and conditions.
That information shall include information
on any policies, procedures, measures and
tools used for the purpose of content
moderation, including algorithmic
decision-making and human review. It
shall be set out in clear and unambiguous
language and shall be publicly available in
an easily accessible format.

Amendment 298
Marcel Kolaja

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Providers of intermediary services
shall include information on any
restrictions that they impose in relation to
the use of their service in respect of
information provided by the recipients of
the service, in their terms and conditions.
That information shall include information
on any policies, procedures, measures and
tools used for the purpose of content
moderation, including algorithmic
decision-making and human review. It
shall be set out in clear and unambiguous
language and shall be publicly available in
an easily accessible format.

Amendment

1. Providers of intermediary services
shall include information on any
restrictions or modification that they
impose in relation to the use of their
service in respect of information provided
by the recipients of the service, in their
terms and conditions. That information
shall include information on any policies,
procedures, measures and tools used for the
purpose of content moderation, including
algorithmic decision-making and human
review. It shall be set out in clear user-
friendly and unambiguous language and
shall be publicly available in an easily
accessible and machine-readable format
in the language in which the service is
offered.
Amendment 299
Sabine Verheyen
Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

1 a. 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 otherwise interference with editorial content and services of a media service provider or publisher of press publications or their account. This Article shall not affect the possibility for an independent judicial or administrative authority of requiring the media service provider to terminate or prevent an infringement of applicable Union or national law.

Or. en

Amendment 300
Marcel Kolaja
Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

1 a. 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 a summary shall include information on remedies and redress mechanisms pursuant to Articles 17 and 18, where available.

Or. en
Amendment 301
Marcel Kolaja

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of intermediary services shall act in a 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 the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter and relevant national law.

Or. en

Amendment 302
Petra Kammerevert, Christel Schaldemose

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 303
Sabine Verheyen

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

Text proposed by the Commission

2 a. The status of media service providers under this Regulation shall be awarded, upon application by any entities, by the competent sector-specific regulatory authorities and bodies at national and Union level, in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:

(i) it has editorial responsibility over the content;

(ii) it is subject to specific regulation, including self-regulatory standards and complaints mechanisms.

Or. en

Amendment

Amendment 304
Irena Joveva

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

Text proposed by the Commission

2 a. Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies available such as to modify or influence main parameters of recommender systems and advertisement options not based on profiling;

Or. en
Amendment 305
Petra Kammerevert, Christel Schaldemose

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

Text proposed by the Commission

2 a. Terms and conditions, or specific provisions thereof, community standards or any other internal guidelines or tools implemented by an intermediary service provider shall not be applied contrary to Article 7a.

Or. en

Amendment 306
Marcel Kolaja

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

Text proposed by the Commission

2 a. Any restriction referred to in paragraph 1 must respect fundamental rights enshrined in the Charter and relevant national law.

Or. en

Amendment 307
Petra Kammerevert, Christel Schaldemose

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

Text proposed by the Commission

2 b. Intermediary service providers shall notify media service providers and publishers of press publications pursuant to Article 7a beforehand of any proposed changes to their general terms and
conditions and to their parameters or algorithms that might affect the organisation, presentation and display of content and services.

The proposed changes shall not be implemented before the expiry of a notice period that is reasonable and proportionate to the nature and extent of the proposed changes and their impact on media service providers and their contents and services. That period shall begin on the date on which the online intermediary service provider notifies the media service providers of the proposed changes.

The provision of new content and services on the intermediary services before the expiry of the notice period by a media service provider shall not be considered as a conclusive or affirmative action, given that such content is of particular importance for the exercise of fundamental rights, in particular the freedom of expression and information.

Or. en

Justification

Unilateral changes to intermediary services' terms and conditions have a potentially detrimental impact on media content's availability and visibility. For this reason, the author proposes a notification obligation for proposed changes to terms and conditions, inspired by the P2B Regulation.

Amendment 308
Marcel Kolaja

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

Text proposed by the Commission

2 b. Individuals who are enforcing restrictions on the basis of terms and conditions of providers of intermediary services should 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 309
Marcel Kolaja

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

Text proposed by the Commission

Amendment

2 c. Terms and conditions of providers of intermediary services shall respect the essential principles of human rights as enshrined in the Charter and international law.

Amendment 310
Marcel Kolaja

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

Text proposed by the Commission

Amendment

2 d. Member States shall ensure that editorial content providers and media service providers` possibilities to contest decisions of online platforms or to seek judicial redress in accordance with the laws of the Member State concerned is unaffected.
**Amendment 311**  
*Marcel Kolaja*  
Proposal for a regulation  
Article 12 – paragraph 2 e (new)

*Text proposed by the Commission*  
2 e. Terms that do not comply with this Article shall not be binding on recipients.

*Amendment*

**Or. en**

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**Amendment 312**  
*Hannes Heide, Petra Kammerevert*  
Proposal for a regulation  
Article 13 – paragraph 1 – introductory part

*Text proposed by the Commission*  
1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible, detailed and accessible reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Or. en*

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**Amendment 313**  
*Irena Joveva*  
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

*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
those orders; needed for taking the action specified in those orders;

Amendment 314
Dace Melbārde

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 315
Irena Joveva

Proposal for a regulation
Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

(b a) Number of fact-checkers, content moderators, and trusted flaggers reporting for each Member States accompanied by statistical analysis on the use made of automated means and human oversight of such means;

Amendment

(b a) Number of fact-checkers, content moderators, and trusted flaggers reporting for each Member States accompanied by statistical analysis on the use made of automated means and human oversight of such means;
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 317
Hannes Heide, Petra Kammerevert

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

Text proposed by the Commission

1 a. 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

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not apply to providers of intermediary services that

Amendment

deleted
qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Justification

Basic transparency requirements when it comes to moderation should also be applicable to micro or SME, especially given the reach their service may have.

Amendment 319
Hannes Heide, Petra Kammerevert

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 320
Marcel Kolaja

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Article 13 a

Targeting of digital advertising

1. Providers of intermediary services shall not collect or process personal data as defined by Regulation(EU) 2016/679 for the purpose of showing digital advertising.

2. This provision shall not prevent intermediary services from displaying targeted digital advertising based on
contextual information such as keywords, the language setting communicated by the device of the recipient or the digital location where the advertisement is displayed.

3. The use of the contextual information referred to in paragraph 2 shall only be permissible if it does not allow for the direct or, by means of combining it with other information, indirect identification of a natural person or a clearly identifiable group of recipients/persons, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Amendment 321
Hannes Heide, Petra Kammerevert

Proposal for a regulation
Article 13 a (new)

*Text proposed by the Commission*

Amendment

*Article 13 a*

Displaying the identity of business users

A provider of intermediary services shall ensure that the legal name and the geographical address of the business user providing content, goods or services, and that business user’s status as a trader, is clearly visible alongside the content, goods or services offered prior to purchase.

Amendment 322
Petra Kammerevert, Christel Schaldemose
Proposal for a regulation
Article 13a (new)

Text proposed by the Commission

Amendment

Article 13a

Display of the identity of traders

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

Or. en

Justification

Visual information about the origin of the content (like a logo) is essential for the visibility of media service providers (but also other business customers) and prevents appropriation of third-party content by intermediaries, thus intermediaries should be obliged to display them.

Amendment 323
Dace Melbārde

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content or information that is incompatible with the terms and conditions of the provider. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

Or. en
Amendment 324
Dace Melbārde

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 325
Ibán García Del Blanco, Marcos Ros Sempere, Domène Ruíz Devesa

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

Text proposed by the Commission

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

Amendment

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator 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 following elements:

Or. en

Amendment 326
Dace Melbārde
Proposal for a regulation
Article 14 – paragraph 2 – point a

Text proposed by the Commission

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;

Amendment

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content or incompatible with the provider’s terms and conditions;

Or. en

Amendment 327
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

Proposal for a regulation
Article 14 – paragraph 2 – point a

Text proposed by the Commission

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;

Amendment

(a) where necessary, an explanation of the reasons why the individual or entity considers the information in question to be illegal content;

Or. en

Amendment 328
Marcel Kolaja

Proposal for a regulation
Article 14 – paragraph 2 – point a a (new)

Text proposed by the Commission

(a a) evidence that substantiates the claim, where possible;

Amendment

Or. en

Amendment 329
Marcel Kolaja
Proposal for a regulation
Article 14 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) a clear indication of the exact electronic location of that information, such as the exact URL or URLs or other identifiers where appropriate, and, where necessary, additional information enabling the identification of the alleged illegal content;

Or. en

Amendment 330
Dace Melbārde

Proposal for a regulation
Article 14 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) sufficiently precise information enabling the identification of the illegal or incompatible content, where relevant, including a clear indication of the electronic location of that information, in particular the exact URL or URLs;

Or. en

Amendment 331
Irena Joveva

Proposal for a regulation
Article 14 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where possible, additional information enabling the identification of the illegal content;
Amendment 332
Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa

Proposal for a regulation
Article 14 – paragraph 2 – point b

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

Amendment
(b) a clear indication of the electronic location of that information, such as the URL or URLs, or, where necessary, any additional information enabling the identification of the illegal content;

Amendment 333
Marcel Kolaja

Proposal for a regulation
Article 14 – paragraph 2 – point c

Text proposed by the Commission
(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;

Amendment
deleted

Amendment 334
Marcel Kolaja

Proposal for a regulation
Article 14 – paragraph 2 – point c a (new)

Text proposed by the Commission
(c a) where the information concerns an alleged infringement of an intellectual
property right, evidence that the entity submitting the notice is the rightholder or authorised to act on behalf of the rightholder;

Amendment 335
Marcel Kolaja

Proposal for a regulation
Article 14 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Amendment 336
Petra Kammerevert

Proposal for a regulation
Article 14 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

Amendment 337
Marcel Kolaja
Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall promptly send a confirmation of receipt of the notice to that individual or entity.

Amendment

4. The individual or entity that submitted the notice shall be given the option to provide an electronic mail address to enable the provider of hosting services to promptly send a confirmation of receipt of the notice to that individual or entity. Where individuals decide to include their contact details in a notice, their anonymity towards the recipient of the service who provided the content shall be ensured, except in cases of alleged violations of personality rights or of intellectual property rights.

Amendment 338
Irena Joveva

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 decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision. The provider shall ensure that decision-making process is reviewed and final possible action taken by a qualified staff regardless of the automated means used;

Amendment 339
Marcel Kolaja
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 of its action in respect of the information to which the notice relates, providing information on the redress possibilities.

Or. en

Amendment 340
Marcel Kolaja

Proposal for a regulation
Article 14 – paragraph 5 a (new)

Text proposed by the Commission
5 a. The provider of intermediary services shall also notify the recipient of the service who provided the information, where contact details are available, giving them the opportunity to reply before taking a decision, unless this would obstruct the prevention and prosecution of serious criminal offences.

Amendment
5 a. 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

Or. en

Amendment 341
Irena Joveva

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

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

Amendment 342
Sabine Verheyen
Proposal for a regulation
Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. 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 decision shall also extend to specific information that are identical to the notified information or to equivalent information which remains essentially unchanged to the information previously notified and removed or to which access was disabled.

Or. en

Amendment 343
Laurence Farreng
Proposal for a regulation
Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Providers of hosting services shall do all in their power to prevent the reappearance of content which is identical to other content which they have already identified and withdrawn as being illegal. The application of this requirement must
not lead to any general monitoring obligation.

Amendment 344
Marcel Kolaja

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

Text proposed by the Commission

6 a. Upon receipt of a valid notice, providers of hosting services shall act expeditiously to disable access to content which is manifestly illegal.

Amendment

6 a. Upon receipt of a valid notice, providers of hosting services shall act expeditiously to disable access to content which is manifestly illegal.

Or. en

Amendment 345
Marcel Kolaja

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

Text proposed by the Commission

6 b. Information that has been the subject of a notice and that is not manifestly illegal shall remain accessible while the assessment of its legality by the competent authority is still pending. Member States shall ensure that providers of intermediary services are not held liable for failure to remove notified information, while the assessment of legality is still pending.

Amendment

6 b. Information that has been the subject of a notice and that is not manifestly illegal shall remain accessible while the assessment of its legality by the competent authority is still pending. Member States shall ensure that providers of intermediary services are not held liable for failure to remove notified information, while the assessment of legality is still pending.

Or. en

Amendment 346
Marcel Kolaja
Proposal for a regulation
Article 14 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 347
Marcel Kolaja

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 348
Irena Joveva

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment
1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of 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 349
Irena Joveva
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 350
François-Xavier Bellamy
Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Article 15 a
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 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.

Or. en

Amendment 351
Marcel Kolaja

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Content moderation

1. Providers of hosting services shall not use ex-ante control measures based on automated tools or upload-filtering of content for content moderation. Where providers of hosting services otherwise
use automated tools for content moderation, they shall ensure that qualified staff decide on any action to be taken and that legal content which does not infringe the terms and conditions set out by the providers is not affected. The provider shall ensure that adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are provided to staff, and that, where necessary, they are given the opportunity to seek professional support, qualified psychological assistance and qualified legal advice. This paragraph shall not apply to moderating information which has most likely been provided by automated tools.

2. Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory, diligent, non-arbitrary and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service as enshrined in the Charter.

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**Amendment 352**

Dace Melbārde

**Proposal for a regulation**

**Article 17 – paragraph 1 – introductory part**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>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</td>
</tr>
</tbody>
</table>
information provided by the recipients is illegal content or incompatible with its terms and conditions: 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 353
Marcel Kolaja
Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission
(a) decisions to remove or disable access to the information;

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

Or. en

Amendment 354
Dace Melbārde
Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission
(a) decisions to remove or disable access to the information;

Amendment
(a) decisions to remove, *restrict or disable* access to the information;

Or. en

*Justification*

*It should be possible to lodge a complaint also against decisions that restrict access to information, such as decisions to apply labels or additional information on content.*

Amendment 355
Dace Melbārde
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;

Or. en

Amendment 356
Dace Melbārde

Proposal for a regulation
Article 17 – paragraph 1 – point c a (new)

**Text proposed by the Commission**

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

**Amendment**

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

Or. en

Amendment 357
Marcel Kolaja

Proposal for a regulation
Article 17 – paragraph 2

**Text proposed by the Commission**

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

**Amendment**

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

Or. en
Amendment 358
Marcel Kolaja

Proposal for a regulation
Article 17 – paragraph 3

_text proposed by the Commission_

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and **objective** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant’s conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

**Amendment**

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and **non-discriminatory and non-arbitrary** manner and within seven days starting on the date on which the online platform received the complaint. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant’s conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

Amendment 359
Marcel Kolaja

Proposal for a regulation
Article 17 – paragraph 5

_text proposed by the Commission_

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

**Amendment**

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means and are reviewed by qualified staff to whom adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are to be provided,
including, where relevant, professional support, qualified psychological assistance and legal advice.

Or. en

Amendment 360
Irena Joveva

Proposal for a regulation
Article 17 – paragraph 5

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

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

Or. en

Amendment 361
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

Proposal for a regulation
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission
1. 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
1. 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.
Justification

Notifiers should also be entitled to use the out-of-court dispute mechanism to settle complaints regarding the treatment of their notices by an online platform.

Amendment 362
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body, where the body has demonstrated that it meets all of the following conditions:

Amendment

2. The Digital Services Coordinator of the Member State where the independent out-of-court dispute settlement body is established shall, at the request of that body, certify the body for a maximum of three years, which can be renewed, where the body has demonstrated that it meets all of the following conditions:

Amendment 363
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

Amendment

(a) it is impartial and independent of online platforms and recipients of the service or any third party involved in dispute, provided by the online platforms and its members are remunerated in a way that is not linked to the outcome of the procedure;

Amendment 364
Proposal for a regulation
Article 18 – paragraph 2 – point a a (new)

Text proposed by the Commission

(a a) it is composed of legal experts;

Amendment

Or. en

Amendment 365
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute;

Amendment

(b) It has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute as well as a general understanding of law;

Or. en

Amendment 366
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point b a (new)

Text proposed by the Commission

(b a) the natural persons with responsibility for dispute settlement are granted a period of office of a minimum of three years to ensure the independence of their actions;

Amendment

Or. en
Amendment 367
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point b b (new)

Text proposed by the Commission

(b b) the natural persons with responsibility for dispute settlement commit not to work for the online platform or a professional organisation or business association of which the online platform is a member for a period of three years after their position in the body has ended;

Or. en

Amendment 368
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point b c (new)

Text proposed by the Commission

(b c) natural persons with responsibility for dispute resolution may not have worked for an online platform or a professional organisation or business association of which the online platform is a member for a period of two years before taking up their position in the body;

Or. en

Amendment 369
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point c
Text proposed by the Commission

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

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

Amendment 370
Martina Michels, Alexis Georgoulis

Proposal for a regulation
Article 18 – paragraph 2 – point c

Text proposed by the Commission

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

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

Or. en

Amendment 371
Marcel Kolaja

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

Text proposed by the Commission

(c a) the anonymity of the individuals involved in the settlement procedure can be guaranteed;

Or. en

Amendment 372
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point d
(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;

(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;

Or. en

Amendment 373
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – 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;

Or. en

Amendment 374
Marcel Kolaja

Proposal for a regulation
Article 18 – paragraph 2 – point e a (new)

Text proposed by the Commission

(e a) 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

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

Or. en
Amendment 375
François-Xavier Bellamy

Proposal for a regulation
Article 19

Text proposed by the Commission
Amendment

[...] deleted

Or. en

Amendment 376
Dace Melbārde

Proposal for a regulation
Article 19 – paragraph 2 – point a

Text proposed by the Commission
Amendment

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content; (a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content or content incompatible with the platform’s terms and conditions;

Or. en

Amendment 377
Martina Michels, Alexis Georgoulis

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 and is independent from any online platform or state law enforcement authorities;

Or. de

Amendment 378
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa
Proposal for a regulation
Article 19 – paragraph 2 – point b

Text proposed by the Commission
(b) it represents collective interests and is independent from any online platform;

Amendment
(b) it represents collective interests, ensures independent public interest representation and is independent from any online platform;

Or. en

Amendment 379
Irena Joveva

Proposal for a regulation
Article 19 – paragraph 2 – point b

Text proposed by the Commission
(b) it represents collective interests and is independent from any online platform;

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

Or. en

Amendment 380
Dace Melbārde

Proposal for a regulation
Article 19 – paragraph 2 – point b

Text proposed by the Commission
(b) it represents collective interests and is independent from any online platform;

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

Or. en

Amendment 381
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa
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.**

Or. en

Amendment 382
Irena Joveva

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of 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, **and inform the Board and other Digital Services Coordinators**, providing the necessary explanations and supporting documents.

Or. en
Amendment 383
Marcel Kolaja

Proposal for a regulation
Article 19 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of 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 concerned, providing the necessary explanations and supporting documents.

Or. en

Amendment 384
Irena Joveva

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

*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 made regarding revoking the status of trusted flagger.

Amendment 385
Marcel Kolaja

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 or some features of their services to recipients of the service that frequently provide manifestly illegal content.

Amendment 386
Irena Joveva

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 or some features of their services to recipients of the service that frequently provide manifestly illegal content.
Amendment 387  
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

Proposal for a regulation  
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 388  
Marcel Kolaja

Proposal for a regulation  
Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 389  
Irena Joveva

Proposal for a regulation  
Article 20 – paragraph 2
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.

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 and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that **abuse** notice and action mechanism and internal complaints-handling systems, frequently **submitting** notices or complaints that are manifestly unfounded.

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**Amendment 390**
Ibán García Del Blanco, Marcos Ros Sempere, Domènecc Ruiz Devesa

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

**Text proposed by the Commission**

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

**Amendment**

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

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**Amendment 391**
Marcel Kolaja

**Proposal for a regulation**
**Article 20 – paragraph 3 – introductory part**
Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following:

Or. en

Amendment 392
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

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

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

Or. en

Amendment 393
Marcel Kolaja

Proposal for a regulation
Article 20 – paragraph 3 – point c

(c) the gravity of the misuses and its consequences in particular on the exercise of fundamental rights, regardless of the absolute numbers or relative proportion;

Or. en
Amendment 394
Marcel Kolaja

Proposal for a regulation
Article 20 – paragraph 3 – point d a (new)

Text proposed by the Commission

\[(d\ a)\ \text{the fact that notices and complaints were submitted following the use of an automated content recognition system;}\]

Amendment

Or. en

Amendment 395
Marcel Kolaja

Proposal for a regulation
Article 20 – paragraph 3 – point d b (new)

Text proposed by the Commission

\[(d\ b)\ \text{any justification provided by the recipient of the service to provide sufficient grounds to consider that the information is not manifestly illegal.}\]

Amendment

Or. en

Amendment 396
Marcel Kolaja

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

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
behaviour constitutes misuse and the duration of the suspension.

in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

Or. en

### Amendment 397
Irena Joveva

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

**Text proposed by the Commission**

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

**Amendment**

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including 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.

Or. en

### Amendment 398
Irena Joveva

**Proposal for a regulation**  
**Article 21 – paragraph 1**

**Text proposed by the Commission**

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member

**Amendment**

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place it shall promptly inform the law enforcement or judicial authorities of the Member State or Member
authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available and quickly accessed to the online platform.

Amendment 399
Marcel Kolaja

Proposal for a regulation
Article 22 – paragraph 1 – point a

Text proposed by the Commission

(a) the name, address, telephone number and electronic mail address of the trader;

Amendment

(a) the name, address provided that the trader is not self-employed or independent professional, and whose address is his or her private address, telephone number and electronic mail address of the trader;

Amendment 400
Irena Joveva

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 manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly 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 401
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

**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 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;

### Amendment 402
Irena Joveva

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

**Text proposed by the Commission**  
(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.

**Amendment**  
(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied *including human oversight and decisions made*.

### Amendment 403
Martina Michels, Alexis Georgoulis

**Proposal for a regulation**  
**Article 24 – paragraph 1 – introductory part**

**Text proposed by the Commission**  

**Amendment**  

Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:

Online platforms that display advertising on their online interfaces may use profiling only by agreement, not as a default setting. They must ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:

Or. de

**Amendment 404**

Irena Joveva

Proposal for a regulation

Article 24 – paragraph 1 – point b

*Text proposed by the Commission*

(\textit{b}) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

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

Or. en

**Amendment 405**

Dace Melbārde

Proposal for a regulation

Article 24 – paragraph 1 – point b

*Text proposed by the Commission*

(\textit{b}) the natural or legal person on whose behalf the advertisement is displayed;

*Amendment*

(\textit{b}) the natural or legal person on whose behalf the advertisement is displayed, and who finances the advertisement;
Amendment 406
Irena Joveva

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 407
Irena Joveva

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

Text proposed by the Commission
(c a) 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 from the data subject via opt-in.

Amendment
(c a) 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 from the data subject via opt-in.

Amendment 408
Hannes Heide, Petra Kammerevert

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

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 take necessary measures to partially or fully suspend infringing traders.

Or. en

Amendment 409
Sabine Verheyen

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24 a

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 take necessary measures to partially or fully suspend infringing traders.

Or. en

Amendment 410
Marcel Kolaja

Proposal for a regulation
Chapter III – Section 4 – title
4 Additional obligations for very large online platforms to manage systemic risks

Amendment 411
Marcel Kolaja

Proposal for a regulation
Article 26 – title

Text proposed by the Commission

Amendment

Risk assessment

Fundamental rights impact assessment

Or. en

Amendment 412
Petra Kammerevert, Christel Schaldemose

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

Text proposed by the Commission

Amendment

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en
Amendment 413
Marcel Kolaja

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

Text proposed by the Commission

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Amendment

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, the impact of the functioning and use made of their services in the Union on fundamental rights. This impact assessment shall be specific to their services and shall include the following adverse impacts:

Or. en

Amendment 414
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 415
Petra Kammerevert, Christel Schaldemose

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

Amendment

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

including the freedom and pluralism of the media, freedom of the art and science and the right to education, the prohibition of discrimination and the rights of the child, as enshrined in Articles 1, 7, 11, 13, 14, 21 and 24 of the Charter respectively;

Or. en

Amendment 416
Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa

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 the respect for private and family life, freedom of expression and information, the prohibition of discrimination, the rights of the child and intellectual property rights as enshrined in Articles 7, 11, 17, 21 and 24 of the Charter respectively;

Or. en

Amendment 417
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(b) any negative effects for the exercise of fundamental rights, in particular the rights to respect for private and family life, freedom of expression and information including freedom and pluralism of media, the prohibition of discrimination and the rights of the child, as enshrined in the Charter;

Or. en
Amendment 418  
Marcel Kolaja  
Proposal for a regulation  
Article 26 – paragraph 1 – point c  

Text proposed by the Commission  

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

Amendment  

(c) malfunctioning or intentional manipulation of their service, including by means of automated exploitation of the service, with an actual or foreseeable negative effect fundamental rights.

Or. en

Amendment 419  
Marcel Kolaja  
Proposal for a regulation  
Article 26 – paragraph 2  

Text proposed by the Commission  

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

Amendment  

2. When conducting impact assessments, very large online platforms shall take into account, in particular, the effects of their content moderation systems, recommender systems and systems for selecting and displaying advertisement, including the potentially rapid and wide dissemination of manifestly illegal content and of information that is incompatible with their terms and conditions.

Or. en

Amendment 420  
Marcel Kolaja
Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The outcome of the impact assessment and supporting documents shall be communicated to the Board of Digital Service Coordinators and the Digital Services Coordinator of establishment. A summary version of the impact assessment shall be made publicly available in an easily accessible format.

Or. en

Amendment 421
Marcel Kolaja

Proposal for a regulation
Article 27 – title

Text proposed by the Commission

Amendment

Mitigation of risks

Mitigation of adverse impacts

Or. en

Amendment 422
Marcel Kolaja

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

Text proposed by the Commission

Amendment

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

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific adverse impacts identified pursuant to Article 26, where mitigation is possible without adversely impacting other fundamental rights. Such measures may include, where applicable:

Or. en
Amendment 423
Irena Joveva

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 risk pursuant to Article 26;

Or. en

Amendment 424
Dace Melbārde

Proposal for a regulation
Article 27 – paragraph 1 – point d a (new)

Text proposed by the Commission

(d a) initiating or adjusting cooperation with media service providers;

Amendment

Or. en

Amendment 425
Marcel Kolaja

Proposal for a regulation
Article 27 – paragraph 1 – point e

Text proposed by the Commission

(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37

Amendment

deleted
respectively.

Amendment 426
Marcel Kolaja

Proposal for a regulation
Article 27 – paragraph 1 a (new)

Text proposed by the Commission
1 a. The decision as to the choice of measures shall remain with the platform.

Amendment

Or. en

Amendment 427
Marcel Kolaja

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

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

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

Or. en

Amendment 428
Marcel Kolaja

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

Text proposed by the Commission
(b) best practices for very large online

Amendment
(b) best practices for very large online
platforms to mitigate the **systemic risks** identified.

platforms to mitigate the **adverse impacts** identified.

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**Amendment 429**  
Marcel Kolaja

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

*Text proposed by the Commission*

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

*Amendment*

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

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**Amendment 430**  
Irena Joveva

**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*

*Amendment*

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

those guidelines the Commission shall organise public consultations *and ask for the consent of the European Parliament.*

Or. en

**Amendment 431**
Marcel Kolaja

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:</td>
<td>1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the:</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 432**
Marcel Kolaja

**Proposal for a regulation**
**Article 28 – paragraph 1 – point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 433**
Marcel Kolaja

**Proposal for a regulation**
**Article 28 – paragraph 2 – introductory part**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AM\1236795EN.docx  107/133  PE696.284v01-00
2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:

2. Audits performed pursuant to paragraph 1 shall be performed the European Union Agency for Fundamental Rights. The Agency may decide to perform the audit in collaboration with by organisations which:

Or. en

Amendment 434
Marcel Kolaja

Proposal for a regulation
Article 28 – paragraph 4

Text proposed by the Commission

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Amendment

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them. They shall, within one month from receiving those recommendations, adopt an audit implementation report. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Or. en

Amendment 435
Ibán García Del Blanco, Marcos Ros Sempere, Domèneç Ruiz Devesa

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

Amendment

1. Online platforms that use recommender systems shall set out
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.

separately the information concerning the role and functioning of recommender systems, in a clear, accessible and easily comprehensible manner for average users, the main parameters used in their recommender systems, as well as to 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 within the meaning of Article 4(4) of Regulation (EU) 2016/679.

Or. en

Amendment 436
Laurence Farreng

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr
Amendment 437
Irena Joveva

Proposal for a regulation
Article 29 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

Amendment 438
Irena Joveva

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 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 user creates account the*
settings for recommender systems shall be make default, not based on profiling, and give the user in easily comprehensible manner a choice to set the main parameters to be used in recommender systems.

Or. en

Amendment 439
Laurence Farreng

Proposal for a regulation
Article 29 – paragraph 2

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.

Or. fr

Amendment 440
Marcel Kolaja

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

2 a. In addition to the obligations applicable to all online platforms, very large online platforms shall offer to the recipients of the service the choice of using recommender systems from third party providers, where available. Such third parties 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.

Amendment 441
Laurence Farreng

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.

Or. fr

Amendment 442
Marcel Kolaja

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

Text proposed by the Commission

Amendment

2 b. Very large online platforms may only limit access to third-party recommender systems temporarily and in exceptional circumstances, when justified by an obligation under Article 18 of Directive (EU) 2020/0359 and Article 32(1)(c) of Regulation (EU) 2016/679. Such limitations shall be notified within 24 hours to affected third parties and to the Agency. The Agency may require such limitations to be removed or modified where it decides by majority vote they are unnecessary or disproportionate.

Or. en
Amendment 443
Marcel Kolaja

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

Text proposed by the Commission

2 c. Very large online platforms shall not make commercial use of any of the data that is generated or received from third parties as a result of interoperability activities for purposes other than enabling those activities. Any processing of personal data related to those activities shall comply with Regulation (EU) 2016/679, in particular Articles 6(1)(a) and 5(1)(c).

Or. en

Amendment 444
Dace Melbārde

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 445
Dace Melbārde

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 who finances the advertisement;

Or. en

Amendment 446
Dace Melbārde

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;

Or. en

Amendment 447
Dace Melbārde

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

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; was targeted specifically;

Amendment 448
Irena Joveva

Proposal for a regulation
Article 30 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) whether the aggregated or non-aggregated data for advertisement purposes that is provided for or generated in the context of the use of the relevant services which came from third parties, in particular with regard to ad inventory and intermediation services owned by other publishers or service providers connected with the platform.

Amendment 449
Dace Melbārde

Proposal for a regulation
Article 30 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) whether the advertisement has been labelled, moderated, or disabled.

Amendment 450
Marcel Kolaja

Proposal for a regulation
Article 31 – paragraph 2
2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

2. With regards to moderation and recommendation systems, very large online platforms shall make publicly available and communicate to the Digital Services Coordinator of establishment and/or the Commission upon request access to algorithms by providing the relevant source code and associated data that allow the detection of possible biases or threats to fundamental rights including freedom of expression. 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 should correct it expeditiously following requirements from the Digital Services Coordinator of establishment or the Commission. Very large online platforms shall be able to demonstrate their compliance at every step of the process pursuant to this Article.

Amendment 451
Marcel Kolaja
Proposal for a regulation
Article 31 – paragraph 4

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.

Text proposed by the Commission

Amendment

deleted
**Amendment 452**  
Dace Melbäre

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

*Text proposed by the Commission*

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

*Amendment*

4. In order to be vetted, researchers shall be affiliated with academic institutions, 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.

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**Amendment 453**  
Marcel Kolaja

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

*Text proposed by the Commission*

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

*Amendment*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data 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.

Proposed 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 the 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.

Amendment 455

Marcel Kolaja

Proposal for a regulation

Article 31 – paragraph 6 – point a

Text proposed by the Commission  Amendment

(a) it does not have access to the data;  deleted

Or. en
Amendment 456
Marcel Kolaja

Proposal for a regulation
Article 31 – paragraph 6 – point b

Text proposed by the Commission

(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

deleted

Or. en

Amendment 457
Marcel Kolaja

Proposal for a regulation
Article 31 – paragraph 7

Text proposed by the Commission

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.

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

deleted

Or. en

Amendment 458
Marcel Kolaja
Proposal for a regulation
Article 31 – paragraph 7 – subparagraph 1

Text proposed by the Commission

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

Or. en

Amendment 459
Irena Joveva

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 the official language of concerning state, responsible for monitoring their compliance with this Regulation.

Or. en

Amendment 460
Dace Melbärde

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

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 461
Marcel Kolaja

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

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 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and (4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a
manner that they are easy to find, accessible to persons with disabilities.

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 there of 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 (new).

Or. en

Amendment 462
Marcel Kolaja

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 463
Irena Joveva

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

Amendment

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as
well as civil society organisations and other 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 464
Marcel Kolaja
Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 465
Marcel Kolaja
Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission

3. *When giving effect to paragraphs* deleted

Amendment

3. *deleted*
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 466
Marcel Kolaja

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 467
Marcel Kolaja

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

5. The Board shall regularly monitor

Amendment

5. The Board may regularly monitor
and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

Amendment 468
Marcel Kolaja

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

Amendment

1. The Commission may facilitate the drawing up of voluntary codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

Amendment 469
Marcel Kolaja

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.

Amendment

deleted
Amendment 470
Marcel Kolaja

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

Amendment

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of voluntary crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

Or. en

Amendment 471
Marcel Kolaja

Proposal for a regulation
Article 37 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

Amendment

2. The Commission may encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

Or. en

Amendment 472
Marcel Kolaja

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

Text proposed by the Commission

Amendment

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(a) displaying prominent information on the crisis situation provided by Member States’ authorities or at Union level;
Amendment 475
Marcel Kolaja

Proposal for a regulation
Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37 a

Accountability and transparency

1. Before initiating or facilitating the negotiation or the revision of codes of conduct, the Commission shall

(a) consider the appropriateness of proposing legislation;

(b) publish the elements of the code which it could propose or advocate;

(c) invite the European Parliament, the Council, the Fundamental Rights Agency, the public and, where relevant, the European Data Protection Supervisor to express their opinion and publish their opinions;

(d) conduct a Fundamental Rights Impact Assessment and publish the findings.

2. The Commission shall subsequently publish the elements of the envisaged code, which it intends to propose or advocate in the negotiations. It shall not propose or advocate elements, which the European Parliament or the Council object to or which have not been subject to the process set out in paragraph 1.

3. The Commission shall allow representatives of non-governmental organisations, which advocate the interests of the recipients of relevant services, the European Parliament, the Council and the Fundamental Rights Agency to observe the negotiations and to have access to all documents pertaining to them. The Commission shall offer compensation to non-profit participants.

4. The Commission shall publish codes of conduct and their parties and keep the information updated.
5. This Article shall apply, mutatis mutandis, to crisis protocols.

Amendment 476
Petra Kammerevert, Christel Schaldemose
Proposal for a regulation
Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38 a

Relation to sector-specific provisions
The application of these provisions does not affect areas that are subject to sector-specific regulation and provisions. In these areas, the responsibility for enforcing the provisions lies with the competent national authorities, which are organised in European networks. Within these networks, the competent authorities shall establish suitable procedures that allow for effective coordination and consistent application and enforcement of this Regulation.

Justification
These sector-specific authorities & regulators are long experienced, independent and competent in their task and there is no need to change that. Where coordination is needed and to ensure effective and consistent EU-wide enforcement, the European networks (such as ERGA for audiovisual media or BEREC for electronic communication) shall be responsible to deal with these matters and be tasked to develop effective and efficient cross-border procedures.

Amendment 477
Martina Michels, Alexis Georgoulis
Proposal for a regulation
Article 40 – paragraph 1
I. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III and IV of this Regulation. This will require structured cooperation with the Digital Services Coordinators of the Member States and the Board identified in Chapter VI, in order to implement, EU-wide, the due diligence obligations of large platforms set out in Chapter III.

Amendment 478
François-Xavier Bellamy

Proposal for a regulation
Article 43 – paragraph 1

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.

Recipients of the service, as well as other parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.
Amendment 479
Martina Michels, Alexis Georgoulis

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene.

Amendment

(2) Where a Digital Services Coordinator of establishment or the Digital Services Coordinators of at least three Member States have reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene.

Or. de

Amendment 480
Petra Kammerevert, Christel Schaldemose

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.