



2020/2018(INL)

18.5.2020

AMENDMENTS

599 - 919

Draft report

Alex Agius Saliba

(PE648.474v02-00)

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

Amendment 599

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

Motion for a resolution

Annex I – part IV – title

Motion for a resolution

**IV. *DUE DILIGENCE*
OBLIGATIONS**

Amendment

**IV. *TRANSPARENCY AND
INFORMATION* OBLIGATIONS**

Or. en

Amendment 600

Salvatore De Meo

Motion for a resolution

Annex I – part IV – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should introduce clear due diligence transparency and information ***obligations***; those obligations ***should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and*** should cover the aspects described below:

Amendment

The Digital Services Act should introduce clear due diligence ***obligations, including with regards to*** transparency and information; those obligations should cover the aspects described below:

Or. en

Amendment 601

Eugen Jurzyca

Motion for a resolution

Annex I – part IV – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should introduce clear due diligence transparency and information obligations; those obligations

Amendment

The Digital Services Act should introduce clear ***and proportionate*** due diligence transparency and information obligations;

should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

those obligations should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Or. en

Amendment 602

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part IV – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should introduce clear due diligence transparency and information **obligations**; those obligations should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Amendment

The Digital Services Act should introduce clear due diligence **obligations, including on** transparency and information; those obligations should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Or. en

Amendment 603

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should introduce clear due diligence transparency and information obligations; those obligations should not create any derogations or new exemptions to the current liability regime **and the secondary liability** set out under

Amendment

The Digital Services Act should introduce clear due diligence transparency and information obligations **rather than a general duty of care**; those obligations should not create any derogations or new exemptions to the current liability regime

Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Or. en

Amendment 604

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

Motion for a resolution

Annex I – part IV – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should introduce clear *due diligence* transparency and information obligations; those obligations should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Amendment

The Digital Services Act should introduce clear transparency and information obligations; those obligations should not create any derogations or new exemptions to the current liability regime and the secondary liability set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Or. en

Amendment 605

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- *the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of*

Amendment

deleted

their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Or. en

Amendment 606

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should **verify** the identity of their business partners, including their company registration number or any equivalent means of identification **including, if necessary, the verified national identity of their ultimate beneficial owner**; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Amendment

- the information requirements in Article 5 **and Article 6** of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced **in the case where providers of online intermediation services use an information society service as means to sell or communicate with consumers; for traders or other providers on marketplaces and advertisers, brokers or other providers of commercial communication**, services providers should **collect** the identity of their business partners, including their company registration number or any equivalent means of identification; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the **information is incomplete or when the provider has been informed by the competent authorities that the** identity of their business customer is false, misleading or otherwise invalid;

Or. en

Amendment 607
Arba Kokalari

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, ***including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner***; that information should be accurate and ***up-to-date, and*** service providers should ***not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid***;

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners ***by obtaining sufficient information to be able to hold them liable for breaches of applicable consumer legislation***. that information should be accurate and service providers should ***conduct regular spot checks to detect inaccurate data***.

Or. sv

Amendment 608

Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should ***regularly*** verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner, ***the postal address and the latest contact details***; that

date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Or. es

Amendment 609

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced ***for business users of online market places***; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when ***they are notified that*** the identity of their business customer is false, misleading or otherwise invalid;

Or. en

Amendment 610

Alex Agius Saliba, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Brando Benifei, Andreas Schieder, Biljana Borzan

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; *services* providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, **if necessary**, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle **limited to the direct commercial relationships of the hosting provider** should be introduced; **hosting** providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Or. en

Amendment 611

Maria Grapini, Clara Aguilera, Adriana Maldonado López

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false,

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer **or individuals who sell on online platforms** is

misleading or otherwise invalid;

false, misleading or otherwise invalid;

Or. en

Amendment 612

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of **their** business **partners**, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide **their** services when the identity of their business **customer** is false, misleading or otherwise invalid;

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced **for business users**; services providers should verify the identity of business **user**, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide services when the identity of their business **user** is false, misleading or otherwise invalid;

Or. en

Amendment 613

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1 a (new)

Motion for a resolution

Amendment

- **knowledge of the commercial identity of the targeted commercial entities should be accompanied by the designation of a natural person**

responsible for these entities, a ‘contact point’ for complaints or appeals, whose contact details would be accessible in the event of judicial proceedings in order to render ineffective bankruptcies or fraudulent dissolutions organised by ad hoc companies guilty of online scams;

Or. fr

Amendment 614

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 2

Motion for a resolution

- that measure should apply only to business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of

Amendment

- that measure should apply only to business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; ***this right, which is very unevenly recognised and applied in the legislation of the Member States, should be the subject of guidelines for its effective recognition;*** the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of

the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Or. fr

Amendment 615 **Arba Kokalari**

Motion for a resolution **Annex I – part IV – paragraph 1 – subparagraph 1 – indent 2**

Motion for a resolution

- that measure should apply only to business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Amendment

- that measure should apply only to **contractual** business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Amendment 616

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

Motion for a resolution**Annex I – part IV – paragraph 1 – subparagraph 1 – indent 2***Motion for a resolution*

- that measure should apply only to business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Amendment

- that measure should apply only to business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; the new general information requirements should review and further enhance Articles 5, 6 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Amendment 617

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 2

Motion for a resolution

- **that** measure should apply only to business-to-business relationships and should be without prejudice to the rights of **users** under the GDPR, as well as the right to **internet** anonymity or being an unidentified user; the new general information requirements should **review** **and** further enhance Articles 5 and 10 of the E-Commerce Directive in order to **align** those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Amendment

- **this** measure should apply only to business-to-business relationships and should be without prejudice to the rights of **data subjects** under the GDPR, as well as the right to **consumer** anonymity or being an unidentified user; the new general information requirements should further enhance Articles 5 and 10 of the E-Commerce Directive in order to **complement** those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Or. en

Amendment 618

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 2

Motion for a resolution

- that measure should apply only to business-to-business relationships and should be without prejudice to the rights of users under the GDPR, as well as ***the right to internet anonymity or being an unidentified user***; the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Amendment

- that measure should apply only to business-to-business relationships, and should be without prejudice to the rights of users under the GDPR, as well as ***to the possibility of being anonymous on the internet***; the new general information requirements should review and further enhance Articles 5 and 10 of the E-Commerce Directive in order to align those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Or. en

Amendment 619

Pablo Arias Echeverría, Tomislav Sokol, Andrey Kovatchev, Marion Walsmann, Romana Tomc, Anna-Michelle Asimakopoulou, Andreas Schwab

Motion for a resolution

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

Motion for a resolution

Amendment

- ***Measures to address the problem of fake profiles of users and service providers should be explored by the Commission. Information society service providers and users should be identifiable by authorities if needed; this would be the case if they commit an illegal activity online. The Commission should come up with measures that allow judiciary authorities to identify and catch in a very agile way those users that carry out illegal activities (to protect both, users and platforms), while preserving the data protection rights of each user. The creation of a digital identity could be a solution to this challenge.***

Or. en

Amendment 620

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

Motion for a resolution

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

Motion for a resolution

Amendment

- ***The provisions of Article 5 of the E-Commerce Directive should be further modernised by requiring traders to provide consumers with direct and efficient means of communication such as electronic contact forms, chatbots, instant messaging or telephone callback, provided that the information relating to those means of communication is accessible to consumers in a clear and comprehensible manner.***

Or. en

Amendment 621

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

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

Motion for a resolution

Amendment

- ***The information requirements referred to in Articles 5 and 10 of the E-Commerce Directive should lead to the principle of truthful legal and fiscal reporting of the commercial activities, including passive ones (in particular income from advertising), actually carried out in the territory of a Member State of the Union.***

Or. fr

Amendment 622

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – introductory part

Motion for a resolution

Amendment

The Digital Services Act should ***require service providers to adopt fair and transparent*** contract terms and general conditions in compliance with at least the following requirements:

Without prejudice to the Consumer Rights Directive and the Unfair Commercial Practices Directive, the Digital Services Act should establish minimum standards for contract terms and general conditions used by service providers and should require them to be fair, accessible, predictable, non-discriminatory and transparent and in compliance with at least the following requirements:

Or. en

Amendment 623

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – introductory part

Motion for a resolution

The Digital Services Act should require service providers to adopt fair and transparent contract terms and general conditions *in compliance with at least the following* requirements:

Amendment

The Digital Services Act should require service providers to adopt fair and transparent contract terms and general conditions *combining existing and new* requirements:

Or. en

Amendment 624

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 1

Motion for a resolution

- to expressly set out in their contract terms and general conditions that *service providers will not store* illegal content;

Amendment

- to expressly set out in their contract terms and general conditions that *uploading* illegal content *bears the full consequences of the applicable law.*

Or. en

Amendment 625

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 1

Motion for a resolution

- to expressly set out in their contract terms and general conditions that service providers will not store illegal content;

Amendment

- to expressly set out in their contract terms and general conditions that service providers will not *knowingly* store illegal content;

Amendment 626

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 2

Motion for a resolution

Amendment

- | | |
|--|-----------------------|
| <p>- <i>explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law applicable to the service(s) being provided;</i></p> | <p><i>deleted</i></p> |
|--|-----------------------|

Amendment 627

Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 2

Motion for a resolution

Amendment

- | | |
|---|--|
| <p>- explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law applicable to the service(s) being provided;</p> | <p>- explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law applicable to the service(s) being provided; <i>clearly setting out policies regarding such content and with regard to repeat offenders and the suspension of accounts;</i></p> |
|---|--|

Amendment 628

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 2

Motion for a resolution

- explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law ***applicable to the service(s) being provided;***

Amendment

- explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law

Or. en

Amendment 629

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

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

Motion for a resolution

- ***to ensure that the contract terms and general conditions comply with fundamental rights standards;***

Amendment

Or. en

Amendment 630

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 3

Motion for a resolution

- ***to define clear, and unambiguous contract terms and general conditions in a plain and intelligible language;***

deleted

Amendment

Or. en

Amendment 631

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 4

Motion for a resolution

Amendment

- *to ensure that the contract terms and general conditions comply with these and all information requirements established by Union law, including the Unfair Contract Terms Directive, the Consumer Rights Directive and the GDPR;* **deleted**

Or. en

Amendment 632

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 4

Motion for a resolution

Amendment

- to ensure that the contract terms and general conditions comply with these and all information requirements established by Union law, including the Unfair Contract Terms Directive, the Consumer Rights Directive and the GDPR;

- to ensure that the contract terms and general conditions comply with these and all information requirements established by Union law, including the Unfair Contract Terms Directive, the ***Unfair Commercial Practices Directive***, the Consumer Rights Directive and the GDPR;

Or. en

Amendment 633

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 4

Motion for a resolution

- to ensure that the contract terms and general conditions comply with *these established by Union law*, including the Unfair Contract Terms Directive, the Consumer Rights Directive and the GDPR;

Amendment

- to ensure that the contract terms and general conditions comply with *Union law, including any* and all *relevant* information requirements, including *those* the Unfair Contract Terms Directive, the Consumer Rights Directive and the GDPR;

Or. en

Amendment 634

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 4 a (new)

Motion for a resolution

Amendment

- *to ensure that cancellation process is similarly effortless as the sign-up process (with no “dark patterns” or other influence on consumer decision);*

Or. en

Amendment 635

Eugen Jurzyca

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5

Motion for a resolution

Amendment

- to specify clearly and unambiguously in their contract terms and general conditions the exact *parameters* of their AI systems *and how they can affect the choice or behaviour of their users and the reasons and importance of those parameters as opposed to other parameters.*

- to specify clearly and unambiguously in their contract terms and general conditions the exact *inputs and targeted outputs* of their AI systems.

Amendment 636

Beata Mazurek, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5

Motion for a resolution

- to specify clearly and unambiguously in their contract terms and general conditions the ***exact*** parameters ***of their AI systems and how they can affect the choice or behaviour of their users*** and the reasons and importance of those parameters as opposed to other parameters.

Amendment

- to specify clearly and unambiguously in their contract terms and general conditions the ***main*** parameters ***determining ranking*** and the reasons and importance of those parameters as opposed to other parameters.

Amendment 637

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5

Motion for a resolution

- to specify clearly and unambiguously in their contract terms and general conditions the ***exact*** parameters ***of their AI systems and how they can affect the choice or behaviour of their users*** and the reasons and importance of those parameters as opposed to other parameters.

Amendment

- to specify clearly and unambiguously in their contract terms and general conditions the ***main*** parameters ***determining ranking content***, and the reasons and importance of those parameters as opposed to other parameters.

Amendment 638

Arba Kokalari

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5

Motion for a resolution

- to specify clearly and unambiguously in their contract terms and general conditions the *exact* parameters *of their AI systems and how they can affect the choice or behaviour of their users and the reasons and importance of those parameters as opposed to other parameters.*

Amendment

- to specify clearly and unambiguously in their contract terms and general conditions the *main* parameters *determining ranking and the reasons for the relative importance of these main parameters as compared to other parameters, in accordance with the Regulation on platform-to-business relations.*

Or. sv

Amendment 639

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5 a (new)

Motion for a resolution

- *start all Terms and Conditions agreements and all End-User Licensing Agreements with a summary statement based on a framework and document template, to be created by the Commission.*

Amendment

Or. en

Amendment 640

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5 a (new)

Motion for a resolution

Amendment

- ***to notify users whenever they change their terms of service or community standards and to provide meaningful explanation about any substantial changes to terms of service.***

Or. en

Amendment 641

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3

Motion for a resolution

Amendment

3. ***Transparency*** requirements on commercial communications

3. Requirements on commercial communications

Or. en

Amendment 642

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 2

Motion for a resolution

Amendment

- Building upon Article 6 of the E-Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner;

- Building upon Article 6 of the E-Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on ***meaningful*** transparency ***and accountability*** provisions regarding ***online*** advertising, digital nudging and preferential treatment; ***those measures should:***

- *enable consumers with an option not to be tracked or (micro)-targeted and to opt-in for the use of behavioural data for advertising purposes, as well as an opt-in option for political advertising and ads;*
- *provide consumers with access to their dynamic marketing profiles, so that they are informed on whether and for what purposes they are tracked and if the information they receive is for advertising purposes;*
- *guarantee the right for consumers to contest any decision that undermines their interests including through collective redress mechanisms;*
- *ensure that paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner;*
- *specify the grounds on which service providers and traders cannot discriminate and provide guidance on what practices count as aggressive advertising whilst encouraging consumer-friendly AI-technologies;*
- *provide access to advertising delivery data in proper formats to verify the exposure of advertisers, the performance of paid vs unpaid advertising and the compliance with minimal diversification requirements.*

Or. en

Amendment 643

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 2

Motion for a resolution

Amendment

- Building upon Article 6 of the E-

- Building upon Article 6 of the E-

Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner;

Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner *in line with Directive (EU) 2019/2161*;

Or. en

Amendment 644

Maria Grapini, Clara Aguilera, Adriana Maldonado López

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 2

Motion for a resolution

- Building upon Article 6 of the E-Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner;

Amendment

- Building upon Article 6 of the E-Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, *information*, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner;

Or. en

Amendment 645

Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Kris Peeters, Romana Tomc, Andreas Schwab

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3

Motion for a resolution

- The transparency requirements should include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, even if they are established in third countries; consumers and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement;

Amendment

- The transparency requirements should include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, even if they are established in third countries; consumers and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement; ***these transparency requirements should also empower advertisers vis-a-vis advertising services, when it comes to where and when ads are placed; more efforts are needed to make sure that illegal activities cannot be funded via advertising services;***

Or. en

Amendment 646

Andreas Schieder, Adriana Maldonado López, Clara Aguilera

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3

Motion for a resolution

- The transparency requirements should include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, even if they are established in third countries; consumers and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement;

Amendment

- The transparency requirements should include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, even if they are established in third countries; consumers and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement; ***the online advertising industry, which places commercials on websites, should be liable for the swift establishment of the legal status (change***

of ban on the incriminated advertising);

Or. en

Amendment 647

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3

Motion for a resolution

- **The** transparency requirements **should** include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, even if they are established in third countries; consumers and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement;

Amendment

- **If technically feasible, proportionate and proven to provide the added-value,** transparency requirements **could** include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, even if they are established in third countries; consumers and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement;

Or. en

Amendment 648

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3

Motion for a resolution

- The transparency requirements should include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms, **even if they are established in third countries**; consumers

Amendment

- The transparency requirements should include the obligation to disclose who is paying for the advertising, including both direct and indirect payments or any other contributions received by service providers; those requirements should apply also to platforms; consumers and public authorities should be able to identify who

and public authorities should be able to identify who should be held accountable in case of, for example, false or misleading advertisement;

should be held accountable in case of, for example, false or misleading advertisement;

Or. en

Amendment 649

Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Maria da Graça Carvalho, Marion Walsmann, Romana Tomc

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3 a (new)

Motion for a resolution

Amendment

- *The transparency requirements should also apply to targeted adverts; criteria for profiling targeted groups and optimisation of advertising campaigns must be made clear to verify any abuse. Users should be aware and have previously given their consent if they are going to receive targeted adverts;*

Or. en

Amendment 650

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3 a (new)

Motion for a resolution

Amendment

- *The transparency requirements should include an obligation for online platforms to inform consumers once a product they have bought has been removed from their platform following notification on its non-compliance with the EU product safety and consumer protection rules;*

Or. en

Amendment 651

Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Maria da Graça Carvalho, Marion Walsmann, Kris Peeters, Andreas Schwab, Romana Tomc

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3 b (new)

Motion for a resolution

Amendment

- ***Specific requirements in regard to behavioural advertising, including micro targeting, should be introduced in order to protect public interest; behavioural advertising based on certain characters, i.e. exposing mental or physical vulnerabilities, should not be allowed at all, while some other characteristics should be allowed only under the opt-in condition by the users;***

Or. en

Amendment 652

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 4

Motion for a resolution

Amendment

- Article 7 of the E-Commerce Directive should be revised in order to protect consumers from unsolicited commercial communications online.

- ***if proven by analyses***, Article 7 of the E-Commerce Directive should be revised ***or supported by effective enforcement measures*** in order to protect consumers from unsolicited commercial communications online.

Or. en

Amendment 653

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

Gebhardt, Biljana Borzan

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 4

Motion for a resolution

- Article 7 of the E-Commerce Directive should be revised in order to protect consumers from unsolicited commercial communications online.

Amendment

- Article 7 of the E-Commerce Directive should be revised in order to protect consumers from unsolicited commercial communications online **and to regulate more strictly the use of targeted advertising online;**

Or. en

Amendment 654

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 3 – indent 3 a (new)

Motion for a resolution

Amendment

3a. Proactive complementary measures to information and transparency obligations, such as implementing ‘due diligence’ plans. Active hosts must set up and implement due diligence plan, the practical modalities of which could be established by respective national competent authorities and regulators. The plan could be based on the following principles: identifying the risks, preventing infringements through application of effective, proportionate and specific ex-ante measures, remedying the negative consequences and reporting on remedies.

Or. en

Amendment 655

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

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4

Motion for a resolution

Amendment

4. *Artificial Intelligence and machine learning* deleted

Or. en

Amendment 656
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4

Motion for a resolution

Amendment

4. *Artificial Intelligence and machine learning* deleted

Or. en

Amendment 657
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4

Motion for a resolution

Amendment

4. *Artificial Intelligence and machine learning*

4. *Content moderation, prioritisation and personalisation*

Or. en

Amendment 658
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4

Motion for a resolution

Amendment

The revised provisions should:

deleted

- ***establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;***
- ***establish clear accountability, liability and redress mechanisms to deal with potential harms resulting from the use of AI applications and machine learning tools;***
- ***establish the principle of safety and security by default;***

Or. en

Amendment 659

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4

Motion for a resolution

Amendment

The revised provisions should:

deleted

- ***establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;***
- ***establish clear accountability, liability and redress mechanisms to deal with potential harms resulting from the use of AI applications and machine learning tools;***
- ***establish the principle of safety and security by default;***

Or. en

Amendment 660
Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 1

Motion for a resolution

Amendment

- *establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;* *deleted*

Or. en

Amendment 661

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 1

Motion for a resolution

Amendment

- establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;

- establish comprehensive rules on non-discrimination, transparency *on the data set*, oversight and risk assessment of algorithms for AI-driven services *by national regulator authorities* in order to ensure a higher level of consumer protection *where there are gaps in current legislation*;

Or. en

Amendment 662

Eugen Jurzyca

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 1

Motion for a resolution

- establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure **a higher** level of consumer protection;

Amendment

- establish comprehensive rules on non-discrimination, **input and output** transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure **an effective** level of consumer protection, **maximizing consumer welfare**;

Or. en

Amendment 663

Arba Kokalari

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 1

Motion for a resolution

- establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;

Amendment

- establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services **in high-risk sectors** in order to ensure a higher level of consumer protection;

Or. sv

Amendment 664

Geoffroy Didier

Motion for a resolution

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

Motion for a resolution

- **establish mechanisms for evaluating artificial intelligence technologies on a sectoral basis which would be based on the promotion of human control and the importance of data provision**;

Amendment

Amendment 665
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4 – indent 2

Motion for a resolution

Amendment

- *establish clear accountability, liability and redress mechanisms to deal with potential harms resulting from the use of AI applications and machine learning tools;* *deleted*

Or. en

Amendment 666
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4 – indent 2 a (new)

Motion for a resolution

Amendment

- *create a recurring risk assessment obligation for automated decision-making tools; such a provision would be agreed after consulting with content hosting providers and other stakeholders and its implementation will be monitored by the authority of the legally accountable, competent Member State or, for providers active in more than one country, the European authority;*

Or. en

Amendment 667
Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3

Motion for a resolution

Amendment

- *establish the principle of safety and security by default;* *deleted*

Or. en

Amendment 668

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3

Motion for a resolution

Amendment

- establish the principle of safety and security by default;
- establish the principle of safety and security by default *as well as diversity “by-design”*.

Or. en

Amendment 669

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3

Motion for a resolution

Amendment

- establish the principle of safety and security by default;
- establish the principle of safety and security *design and* by default;

Or. en

Amendment 670

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 a (new)

Motion for a resolution

Amendment

- *develop a European framework on artificial intelligence in the area of ecommerce and digital services based on fairness, accuracy, confidentiality and transparency.*

Or. en

Amendment 671

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 a (new)

Motion for a resolution

Amendment

- *establish more transparency regarding ranking results and end the “attention- seeking” profiling business model of digital markets, in order to reduce the spread of controversial content and to give users more choice on how rankings are presented;*

Or. en

Amendment 672

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 a (new)

Motion for a resolution

Amendment

- *be on a case by case basis and not require a blanket investigation of all AI systems*

Or. en

Amendment 673

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 b (new)

Motion for a resolution

Amendment

- *with regard to accountability of algorithms used for targeted advertising, introduce fairness criteria for ad optimisation, and allow for external audits and verification of algorithmic design choices that involve information about individuals.*

Or. en

Amendment 674

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 b (new)

Motion for a resolution

Amendment

- *allow authorities to check algorithms when they have justified reasons to believe that it has algorithmic bias,*

Or. en

Amendment 675

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 c (new)

Motion for a resolution

Amendment

- *ascertain effective and efficient rights, institutions and procedures for AI developers to certify the reliability of their models and to properly address and exploit the impact of upcoming technological developments.*

Or. en

Amendment 676

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 c (new)

Motion for a resolution

Amendment

- *be subject to clear confidentiality and protection of trade secret rules;*

Or. en

Amendment 677

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 d (new)

Motion for a resolution

Amendment

- ***ensure an approach social dialogue and effective information and consultation of workers before introducing AI technologies and solutions which have impacts on working and employment conditions, in particular with regard to the use of algorithms;***

Or. en

Amendment 678

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 d (new)

Motion for a resolution

Amendment

- ***ensure that consumers are protected by the right to be informed and the right to an explanation of AI services, in addition to the right to switch off or limit an AI system using personalization where possible;***

Or. en

Amendment 679

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 4 – indent 3 e (new)

Motion for a resolution

Amendment

- ***guarantee the respect of the ‘human in command principle and ensure the protection of data and privacy of workers at work, reinforcing the GDPR***

rules at the workplace;

Or. en

Amendment 680

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 5

Motion for a resolution

Amendment

5. Penalties

deleted

Or. en

Amendment 681

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 5

Motion for a resolution

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines. *deleted*

Or. en

Amendment 682

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 5

Motion for a resolution

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines, ***without prejudice to the penal autonomy of the Member States or the powers of the European Public Prosecutor's Office.***

Or. fr

Amendment 683

Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 4

Motion for a resolution

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines, ***which shall be proportionate to the systemic failures in question.***

Or. en

Amendment 684

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 4

Motion for a resolution

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of ***reasonable*** fines.

Or. en

Amendment 685

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 4

Motion for a resolution

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of **deterrent** fines.

Or. en

Amendment 686

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 4

Motion for a resolution

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, **including the imposition of fines**.

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties;

Or. en

Amendment 687

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

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 4

Motion for a resolution

The compliance of the **due diligence**

Amendment

The compliance of the provisions should

provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

Or. en

Amendment 688

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

Motion for a resolution Annex I – part V – title

Motion for a resolution

V. MEASURES RELATED TO
TACKLING ILLEGAL CONTENT
ONLINE

Amendment

V. MEASURES RELATED TO
TACKLING ILLEGAL **AND HARMFUL**
CONTENT ONLINE

Or. en

Amendment 689

Eugen Jurzyca, Adam Bielan, Beata Mazurek

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

Motion for a resolution

The Digital Services Act should provide clarity and guidance regarding how online intermediaries should tackle illegal content online. The revised rules of the E-Commerce Directive should:

Amendment

The Digital Services Act *or other ancillary non-legislative measures* should provide clarity and guidance regarding how online intermediaries should tackle illegal content online *while fully respecting the “no general monitoring” principle*. The revised rules of the E-Commerce Directive should:

Or. en

Amendment 690

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

Motion for a resolution

Annex I – part V – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should provide clarity and guidance regarding how online intermediaries should tackle illegal content online. The revised rules of the E-Commerce Directive should:

Amendment

The Digital Services Act should provide clarity and guidance regarding how online intermediaries should tackle illegal ***and harmful*** content online. The revised rules of the E-Commerce Directive should:

Or. en

Amendment 691

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part V – paragraph 1 – indent 1

Motion for a resolution

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers;

Amendment

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers, ***including persons who put the content online when it is the subject of abusive or disproportionate reporting and moderation measures;***

Or. fr

Amendment 692

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 1 – indent 1

Motion for a resolution

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers;

Amendment

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers

and that legal content should stay online;

Or. en

Amendment 693

Eugen Jurzyca

Motion for a resolution

Annex I – part V – paragraph 1 – indent 1

Motion for a resolution

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights *and* the legitimate interests of users and consumers;

Amendment

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights, the legitimate interests of users and consumers *and technological innovation*;

Or. en

Amendment 694

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

Motion for a resolution

Annex I – part V – paragraph 1 – indent 1

Motion for a resolution

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers;

Amendment

- clarify that any removal or disabling access to illegal *or harmful* content should not affect the fundamental rights and the legitimate interests of users and consumers;

Or. en

Amendment 695

Eugen Jurzyca

Motion for a resolution

Annex I – part V – paragraph 1 – indent 1 a (new)

Motion for a resolution

Amendment

- ***a decision made by online intermediaries whether content uploaded by users is legal should be provisional, they should not be held liable for it as only a Member State authority and court could decide in the final instance what is illegal content;***

Or. en

Amendment 696

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 1 – indent 2

Motion for a resolution

Amendment

- enhance the central role played by ***online intermediaries*** in facilitating the public debate and the free dissemination of facts, opinions, and ideas;

- enhance the central role played by ***the internet*** in facilitating the public debate and the free dissemination of facts, opinions, and ideas;

Or. en

Amendment 697

Andrey Kovatchev

Motion for a resolution

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

Motion for a resolution

Amendment

- ***information society service providers shall be liable unless they made best efforts to prevent future uploads of notified works to which access has been disabled or removed from their websites;***

Or. en

Amendment 698
Anna-Michelle Asimakopoulou

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online *intermediaries* should not be held directly liable for the acts of their users *and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;*

Amendment

- preserve the underlying legal principle that *passive* online *hosting providers* should not be held directly liable for the acts of their users *on condition that:*

- (a) The provider does not have actual knowledge of illegal activity or information and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or information is apparent; and*
- (b) The provider, upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the information.*

Or. en

Amendment 699
Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users *and that online intermediaries can continue moderating legal content under fair and transparent terms and*

Amendment

- preserve the underlying legal principle that online *technical, automatic and passive* intermediaries should not be held directly liable for the acts of their users;

conditions of service, provided that they are applicable in a non-discriminatory manner;

Or. es

Amendment 700

Salvatore De Meo, Carlo Fidanza

Motion for a resolution

Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users *and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;*

Amendment

- preserve the underlying legal principle that *technical, automatic and passive* online intermediaries should not be held directly liable for the acts of their users ;

Or. en

Amendment 701

Eugen Jurzyca

Motion for a resolution

Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, *will not be punished if they failed to detect all illegal content*, provided that they are applicable in a non-discriminatory manner ;

Amendment 702

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair ***accessible, predictable*** and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment 703

Dan-Ștefan Motreanu

Motion for a resolution

Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment

- preserve the underlying legal principle that ***passive*** online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment 704
Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment

- preserve the underlying legal principle that *passive* online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Or. en

Amendment 705
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating *legal* content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating *illegal* content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Or. en

Amendment 706
Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users ***and that online intermediaries can continue moderating legal content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;***

Amendment

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users. ***In case filters are applied, they need to be accompanied by robust safeguards for transparency and accountability with highly skilled independent and impartial public oversight.***

Or. en

Amendment 707

Dan-Ștefan Motreanu

Motion for a resolution

Annex I – part V – paragraph 1 – indent 3 a (new)

Motion for a resolution

Amendment

- ***clarify that online intermediaries who play an active role should not benefit from the exemption of liability granted by the e-commerce directive.***

Or. en

Amendment 708

Salvatore De Meo

Motion for a resolution

Annex I – part V – paragraph 1 – indent 3 a (new)

Motion for a resolution

Amendment

- ***clarify that online intermediaries who play an active role should not benefit from the exemption of liability granted by the E-Commerce Directive.***

Or. en

Amendment 709
Geoffroy Didier

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3 a (new)

Motion for a resolution

Amendment

- *involve the Member States in assessing the legality of the content, taking into account national specificities in this area;*

Or. fr

Amendment 710
Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin

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

Motion for a resolution

Amendment

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by *independent* authorities.

- introduce new transparency and independent *national* oversight of the content moderation procedures and tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by *national* authorities *of the country of origin*;

Or. en

Amendment 711
Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol, Krzysztof Hetman

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

Motion for a resolution

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by independent authorities.

Amendment

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal **and harmful** content online; such systems and procedures should be available for auditing and testing by independent authorities.

Or. en

Amendment 712
Marcel Kolaja

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

Motion for a resolution

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by independent authorities.

Amendment

- introduce new transparency and independent oversight of the content moderation procedures and **voluntary** tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by independent authorities.

Or. en

Amendment 713
Eugen Jurzyca

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

Motion for a resolution

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal content online; such **systems and** procedures should be available for auditing **and testing** by

Amendment

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal content online; such procedures should be available for auditing by independent authorities.

independent authorities.

Or. en

Amendment 714

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

Motion for a resolution

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

Motion for a resolution

Amendment

- *safeguard the principle “what is illegal offline is also illegal online” and the principle “taxes and duties must be paid in that country where the economic activity takes place”.*

Or. en

Amendment 715

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

Motion for a resolution

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

Motion for a resolution

Amendment

- *adapt the severity of the measures that need to be taken by service providers to the seriousness of the infringement;*

Or. en

Amendment 716

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

Motion for a resolution

Annex I – part V – paragraph 1 – indent 4 b (new)

Motion for a resolution

Amendment

- *require providers to actively share with Member States the information necessary for detecting illegal information posted or illegal activities undertaken by recipients of their service;*

Or. en

Amendment 717

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

Motion for a resolution

Annex I – part V – paragraph 1 – indent 4 b (new)

Motion for a resolution

Amendment

- *ensure that the access and removal of illegal content does not require the closure of access to overall sites and services which are otherwise legal and only affect the exact noticed content.*

Or. en

Amendment 718

Adam Bielan, Beata Mazurek, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part V – subheading 1

Motion for a resolution

Amendment

1. A *notice-and-action* mechanism

1. A *notice-and-takedown* mechanism

Or. en

Amendment 719

Beata Mazurek, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part V – paragraph 2 – introductory part

Motion for a resolution

The Digital Services Act should establish a harmonised and **legally** enforceable **notice-and-action** mechanism based on a set of clear processes **and precise timeframes** for each step of the **notice-and-action** procedure. **That notice-and-action** mechanism should:

Amendment

The Digital Services Act should establish a harmonised and enforceable **notice-and-takedown** mechanism based on a set of clear processes for each step of the **notice-and-takedown** procedure. **That procedure should be completed by the counter-notice mechanism. That notice-and-takedown** mechanism should:

Or. en

Amendment 720

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – introductory part

Motion for a resolution

The Digital Services Act should establish a harmonised and legally enforceable notice-and-action mechanism based on a set of clear processes and precise timeframes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Amendment

The Digital Services Act should establish a **differentiated**, harmonised and legally enforceable notice-and-action mechanism based on a set of clear processes and precise timeframes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Or. en

Amendment 721

Salvatore De Meo

Motion for a resolution

Annex I – part V – paragraph 2 – introductory part

Motion for a resolution

The Digital Services Act should establish a

Amendment

The Digital Services Act should establish a

harmonised and legally enforceable notice-and-action mechanism based on a set of clear processes **and precise timeframes** for each step of the notice-and-action procedure. That notice-and-action mechanism should:

harmonised and legally enforceable notice-and-action mechanism based on a set of clear processes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Or. en

Amendment 722

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part V – paragraph 2 – introductory part

Motion for a resolution

The Digital Services Act should **establish a harmonised and legally enforceable** notice-and-action mechanism based on a set of clear processes and precise timeframes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Amendment

The Digital Services Act should **create non-binding guidelines for** notice-and-action mechanism based on a set of clear processes and precise timeframes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Or. en

Amendment 723

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 1

Motion for a resolution

- apply to illegal online content or behaviour;

Amendment

- apply to illegal online content or behaviour **as well as to harmful content including disinformation;**

Or. en

Amendment 724

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part V – paragraph 2 – indent 1

Motion for a resolution

- apply to illegal online content or behaviour;

Amendment

- apply **only** to illegal online content or behaviour;

Or. en

Amendment 725

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 2

Motion for a resolution

- rank different types of providers, sectors and/or illegal content;

Amendment

- rank different types of providers, sectors and/or illegal content ***in order to appreciate the seriousness of the infringement***;

Or. en

Amendment 726

Salvatore De Meo, Carlo Fidanza

Motion for a resolution

Annex I – part V – paragraph 2 – indent 2

Motion for a resolution

- ***rank*** different types of providers, sectors and/or illegal content;

Amendment

- ***differentiate among*** different types of providers, sectors and/or illegal content;

Or. en

Amendment 727

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 2

Motion for a resolution

- rank different types of providers, sectors and/or illegal content;

Amendment

- rank different types of providers, sectors and/or illegal ***and harmful*** content;

Or. en

Amendment 728

Eugen Jurzyca

Motion for a resolution

Annex I – part V – paragraph 2 – indent 2

Motion for a resolution

- rank different types of ***providers, sectors and/or*** illegal content;

Amendment

- rank different types of illegal content;

Or. en

Amendment 729

Geoffroy Didier

Motion for a resolution

Annex I – part V – paragraph 2 – indent 2 a (new)

Motion for a resolution

Amendment

- ***establish a differentiated liability regime proportional to the size of the platform, and depending on whether it is considered passive or active;***

Or. fr

Amendment 730
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 2 a (new)

Motion for a resolution

Amendment

- *offer different notification categories for different types of illegal content;*

Or. en

Amendment 731
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 3

Motion for a resolution

Amendment

- create easily accessible, reliable and user-friendly procedures;

- create easily accessible, reliable and user-friendly procedures *tailored to the type of content;*

Or. en

Amendment 732
Róża Thun und Hohenstein, Andrey Kovatchev, Maria da Graça Carvalho, Tomislav Sokol, Krzysztof Hetman

Motion for a resolution
Annex I – part V – paragraph 2 – indent 4

Motion for a resolution

Amendment

- allow users to easily notify by electronic means potentially illegal online content or behaviour to online intermediaries;

- allow users to easily notify by electronic means potentially illegal *or harmful* online content or behaviour to online intermediaries;

Amendment 733

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 5

Motion for a resolution

- clarify, in an intelligible way, existing concepts and processes such as “expeditious action”, “actual knowledge and awareness”, “targeted actions”, “notices' formats”, and “validity of notices”;

Amendment

- clarify, in an intelligible way, existing concepts and processes such as “expeditious action” ***which should not result in extreme timeframes such as one hour removal time that is unfeasible especially for smaller intermediaries,*** “actual knowledge and awareness”, “targeted actions”, “notices' formats”, and “validity of notices”;

Or. en

Amendment 734

Salvatore De Meo, Carlo Fidanza

Motion for a resolution

Annex I – part V – paragraph 2 – indent 6

Motion for a resolution

- ***guarantee that notices will not automatically trigger legal liability nor should they impose any removal requirement, for specific pieces of the content or for the legality assessment;***

Amendment

deleted

Or. en

Amendment 735

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 6

Motion for a resolution

- guarantee that notices will not automatically trigger legal liability nor should they impose any removal requirement, for specific pieces of the content or for the legality assessment;

Amendment

- guarantee that notices, ***unless being issued by a judicial authority***, will not automatically trigger legal liability nor should they impose any removal requirement, for specific pieces of the content or for the legality assessment;

Or. en

Amendment 736

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

Motion for a resolution
Annex I – part V – paragraph 2 – indent 7

Motion for a resolution

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, the link (URL) to the allegedly illegal content in question, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;

Amendment

- ***require notices to be sufficiently precise and adequately substantiated so as to allow the service provider receiving them to take an informed and diligent decision as regards the effect to be given to the notice*** and specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, the link (URL) to the allegedly illegal content in question, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;

Or. en

Amendment 737

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 7

Motion for a resolution

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, the **link (URL) to** the allegedly illegal content in question, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;

Amendment

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such **a** requirement should include the name and contact details of the notice provider, the **location of (URL) the** allegedly illegal content in question, **an indication of the time and date when the alleged wrongdoing was committed**, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim, **a declaration of good faith that the information provided is accurate and information on how to issue a counter-notice**;

Or. en

Amendment 738

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 7

Motion for a resolution

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, the link (URL) to the allegedly illegal content in question, the stated

Amendment

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, the link (URL) to the allegedly illegal **or harmful** content in question, the

reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;

stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;

Or. en

Amendment 739
Salvatore De Meo, Carlo Fianza

Motion for a resolution
Annex I – part V – paragraph 2 – indent 7

Motion for a resolution

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, ***the link (URL) to the allegedly illegal content in question, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;***

Amendment

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, ***information identifying the illegal content in question, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;***

Or. en

Amendment 740
Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution
Annex I – part V – paragraph 2 – indent 7 a (new)

Motion for a resolution

- ***prescribe that both the alert and the decision which follows it and the notification which is made to the supplier of the notified content cite or mention specifically the alleged illegal content, in particular where it results in the***

Amendment

suspension of a service or an account, in order to ensure legal certainty and freedom of expression and to serve as a basis for an effective remedy;

Or. fr

Amendment 741

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 8

Motion for a resolution

Amendment

- *allow for the submission of anonymous complaints;*

deleted

Or. en

Amendment 742

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 8

Motion for a resolution

Amendment

- allow for the *submission of anonymous complaints;*

- allow for the *notice provider to provide their contact details, without this being required, but while recording the IP address or other equivalent of the provider in order to prevent abuse;*

Or. en

Amendment 743

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 8

Motion for a resolution

- allow for the submission of anonymous **complaints**;

Amendment

- allow for the submission of anonymous **notices for certain manifestly illegal content as that can help increasing the removal of illegal content**;

Or. en

Amendment 744

Alexandra Geese

on behalf of the Greens/EFA Group

Motion for a resolution

Annex I – part V – paragraph 2 – indent 8

Motion for a resolution

- allow for the submission of anonymous complaints;

Amendment

- allow for the submission of anonymous complaints, **unless in cases of violations of personality rights or intellectual property rights**;

Or. en

Amendment 745

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 9

Motion for a resolution

- **consider, when a complaint is not anonymous, a declaration of good faith that the information provided is accurate;**

Amendment

deleted

Or. en

Amendment 746

Alexandra Geese

on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 9

Motion for a resolution

Amendment

- *consider, when a complaint is not anonymous, a declaration of good faith that the information provided is accurate;* **deleted**

Or. en

Amendment 747
Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Liesje Schreinemacher, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Motion for a resolution
Annex I – part V – paragraph 2 – indent 9

Motion for a resolution

Amendment

- consider, *when a complaint is not anonymous*, a declaration of good faith that the information provided is accurate;
- consider a declaration of good faith that the information provided is accurate;

Or. en

Amendment 748
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 10

Motion for a resolution

Amendment

- set up safeguards to prevent abusive behaviour by users who systematically and repeatedly and with mala fide submit wrongful or abusive notices;
- set up safeguards **and provide for sanctions** to prevent abusive behaviour by users who systematically and repeatedly and with mala fide submit wrongful or abusive notices;

Amendment 749
Alexandra Geese
on behalf of the Greens/EFA Group

Motion for a resolution
Annex I – part V – paragraph 2 – indent 11

Motion for a resolution

- create an obligation for the online intermediaries to verify the notified content and reply to the notice provider and the content uploader with a reasoned decision;

Amendment

- create an obligation for the online intermediaries to verify the notified content and reply to the notice provider and the content uploader with a reasoned decision; ***such a requirement to reply should include the reasoning behind the decision, how the decision was made, if the decision was made by a human or an automated decision agent and information about the possibility to appeal this decision by either party with the intermediary, courts or other entities;***

Amendment 750
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 11

Motion for a resolution

- create an obligation for the online intermediaries to ***verify the notified content and*** reply to the notice provider and the content uploader with a reasoned decision;

Amendment

- create an obligation for the online intermediaries to reply to the notice provider and the content uploader with a reasoned decision, ***such a requirement to reply should include the reasoning behind the decision, how the decision was made, if the decision was made by a human or an automated decision agent and information about the possibility to appeal this decision by either party with the intermediary, courts or other entities;***

Amendment 751

Pablo Arias Echeverría, Pilar del Castillo Vera, Róża Thun und Hohenstein, Tomislav Sokol, Edina Tóth, Maria da Graça Carvalho, Marion Walsmann, Kris Peeters, Romana Tomc, Andreas Schwab

Motion for a resolution

Annex I – part V – paragraph 2 – indent 11

Motion for a resolution

- create an obligation for the online intermediaries to verify the notified content and reply to the notice provider and the content uploader with a reasoned decision;

Amendment

- create an obligation for the online intermediaries to verify the notified content and reply *in a timely manner* to the notice provider and the content uploader with a reasoned decision;

Amendment 752

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 11

Motion for a resolution

- create an obligation for the online intermediaries to verify the *notified* content and reply to the notice provider *and the content uploader* with a reasoned decision;

Amendment

- create an obligation for the online intermediaries to verify the content *of the notice* and reply to the notice provider with a reasoned decision;

Amendment 753

Adam Bielan, Beata Mazurek, Andżelika Anna Moźdzanowska

Motion for a resolution

Annex I – part V – paragraph 2 – indent 12

Motion for a resolution

- provide remedies to contest the decision via a counter-notice, including **if** the content has been removed via automated solutions, unless such a counter-notice would conflict with an ongoing investigation **by law** enforcement authorities.

Amendment

- provide remedies to contest the decision via a counter-notice, including the content **that** has been removed via automated solutions, **if technically feasible and free from the risk of exposing the underlying technology and allowing « gaming » of the system, or** unless such a counter-notice would conflict with an ongoing investigation **by law** enforcement authorities.

Or. en

Amendment 754

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 12

Motion for a resolution

- provide remedies to contest the decision via a counter-notice, including if the content has been removed via automated solutions, unless such a counter-notice would conflict with an ongoing investigation by law enforcement authorities.

Amendment

- provide remedies to contest the decision via a counter-notice, including if the content has been removed via **voluntary** automated solutions, unless such a counter-notice would conflict with an ongoing investigation by law enforcement authorities.

Or. en

Amendment 755

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 12 a (new)

Motion for a resolution

Amendment

- **create an obligation for**

intermediaries to publish information about their procedures and time frames for intervention by interested parties, including the time before a notification is sent to the content uploader, the time for the content uploader to respond with a counter-notification, the average and maximum time for a decision by the platform for categories of cases, the time at which the intermediary will inform both parties about the result of the procedure, the time for different forms of appeal against the decision.

Or. en

Amendment 756

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

Motion for a resolution

Annex I – part V – paragraph 2 – indent 12 a (new)

Motion for a resolution

Amendment

- *judicial injunctions issued in a Member State other than that of the online intermediaries should not be handled within the notice-and-action mechanism. The Commission should take due care in regards to the rules of private international law relating to conflicts of law and the jurisdiction of judicial authorities.*

Or. en

Amendment 757

Salvatore De Meo

Motion for a resolution

Annex I – part V – paragraph 2 – indent 12 a (new)

Motion for a resolution

Amendment

- *once a notice has been accepted and illegal content has been taken down, create an obligation for online intermediaries to put in place effective and proportionate measures to prevent the reappearance of the illegal content ("staydown" measures).*

Or. en

Amendment 758

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

Motion for a resolution

Annex I – part V – paragraph 2 a (new)

Motion for a resolution

Amendment

The Digital Service Act notice-and-action mechanism should be based on the work of the Commission as carried out in 2012 and 2013, including the public consultations of a potential self-standing Directive on procedures for notifying and acting on illegal content hosted by online intermediaries.

Or. en

Amendment 759

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

Motion for a resolution

Annex I – part V – paragraph 2 b (new)

Motion for a resolution

Amendment

The Digital Service Act notice-and-action mechanism should be binding only for illegal content. This, however, should not

prevent online intermediaries being able to adopt a similar notice-and-action mechanism for other content.

Or. en

Amendment 760

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

Motion for a resolution

Annex I – part V – paragraph 2 c (new)

Motion for a resolution

Amendment

The right to be notified before a decision is taken to remove a content and the right to issue a counter-notice by a user shall only be restricted or waived, where:

(a) subject to a legal or regulatory obligation which requires online intermediation services to terminate the provision of the whole of its online intermediation services to a given user in a manner which does not allow it to respect that notice-and-action mechanism;

(b) online intermediation services can demonstrate that the user concerned has repeatedly infringed the applicable terms and conditions, including by uploading multiple potential illegal contents.

Or. en

Amendment 761

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part V – subheading 1 – indent 12 a (new)

Motion for a resolution

Amendment

- create an obligation for the online

intermediaries to take appropriate, effective and proportionate measures to ensure that identified illegal content which was rightfully taken down following a notice stays down.

Or. en

Amendment 762

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

Motion for a resolution

Annex I – part V – subheading 2 – indent 1

Motion for a resolution

- The decision taken by the online intermediary on whether or not to act upon content flagged as illegal should contain a clear justification on the actions undertaken regarding that specific content. The notice provider, *where identifiable*, should receive a confirmation of receipt and a communication indicating the follow-up given to the notification.

Amendment

- The decision taken by the online intermediary on whether or not to act upon content flagged as illegal *or harmful* should contain a clear justification on the actions undertaken regarding that specific content. The notice provider should receive a confirmation of receipt and a communication indicating the follow-up given to the notification.

Or. en

Amendment 763

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

Motion for a resolution

Annex I – part V – subheading 2 – indent 1

Motion for a resolution

- The decision taken by the online intermediary on whether or not to act upon content flagged as illegal should contain a clear justification on the actions undertaken regarding that specific content. The notice provider, *where identifiable*, should

Amendment

- The decision taken by the online intermediary on whether or not to act upon content flagged as illegal should contain a clear justification on the actions undertaken regarding that specific content. The notice provider should receive a confirmation of

receive a confirmation of receipt and a communication indicating the follow-up given to the notification.

receipt and a communication indicating the follow-up given to the notification.

Or. en

Amendment 764

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – subheading 2 – indent 2

Motion for a resolution

- The providers of the content that is being flagged as illegal should be immediately informed of the notice and, that being the case, of the reasons and decisions taken to remove or disable access to the content; all parties should be duly informed of all existing available legal options and mechanisms to challenge this decision;

Amendment

- The providers of the content that is being flagged as illegal should be immediately informed of the notice and, that being the case, of the reasons and decisions taken to remove, **suspend** or disable access to the content; all parties should be duly informed of all existing available legal options and mechanisms to challenge this decision; **in complex areas of law mainly involving two parties external to the provider, such as alleged defamation or copyright infringements, a notice-and-notice system is more appropriate, with additional safeguards put in place;**

Or. en

Amendment 765

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

Motion for a resolution

Annex I – part V – subheading 2 – indent 2

Motion for a resolution

- The providers of the content that is being flagged as illegal should be

Amendment

- The providers of the content that is being flagged as illegal **or harmful** should

immediately informed of the notice and, that being the case, of the reasons and decisions taken to remove or disable access to the content; all parties should be duly informed of all existing available legal options and mechanisms to challenge this decision;

be immediately informed of the notice and, that being the case, of the reasons and decisions taken to remove or disable access to the content; all parties should be duly informed of all existing available legal options and mechanisms to challenge this decision;

Or. en

Amendment 766

Adriana Maldonado López, Clara Aguilera

Motion for a resolution

Annex I – part V – subheading 2 – indent 3

Motion for a resolution

- All interested parties should have the right to contest the decision through a counter-notice and by having recourse to out-of-court dispute settlement mechanism; to this end, the rules of Article 17 of the E-Commerce Directive should be revised.

Amendment

- All interested parties should have the right to contest the decision through a counter-notice, ***which must be subject to clear requirements and accompanied by an explanation***, and by having recourse to out-of-court dispute settlement mechanism; to this end, the rules of Article 17 of the E-Commerce Directive should be revised.

Or. es

Amendment 767

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part V – subheading 2 – indent 3

Motion for a resolution

- All interested parties should have the right to contest the decision through a counter-notice and by having recourse to out-of-court dispute settlement mechanism; ***to this end, the rules of Article 17 of the E-Commerce Directive should be revised.***

Amendment

- All interested parties should have the right to contest the decision through a counter-notice and by having recourse to out-of-court dispute settlement mechanism.

Or. en

Amendment 768

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – subheading 2 – indent 4

Motion for a resolution

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed without undue delay or allow for the re-upload by the user, without prejudice to the *platform's* terms of service.

Amendment

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed *or suspended* without undue delay or allow for the re-upload by the user, without prejudice to the *online intermediary's* terms of service.

Or. en

Amendment 769

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part V – subheading 2 – indent 4

Motion for a resolution

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed without undue delay or allow for the re-upload by the user, *without prejudice to the platform's terms of service*.

Amendment

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed without undue delay or allow for the re-upload by the user.

Or. en

Amendment 770

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

Motion for a resolution

Annex I – part V – subheading 2 – indent 4

Motion for a resolution

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed without undue delay or allow for the re-upload by the user, without prejudice to the platform's terms of service.

Amendment

- If the redress and counter-notice have established that the notified activity or information is not illegal ***nor harmful***, the online intermediary should restore the content that was removed without undue delay or allow for the re-upload by the user, without prejudice to the platform's terms of service.

Or. en

Amendment 771

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

Motion for a resolution

Annex I – part V – subheading 2 – indent 4 a (new)

Motion for a resolution

Amendment

- ***an out-of-court dispute settlement mechanism should meet certain standards, notably in terms of procedural fairness, a presumption of innocence or lack of malicious intent by the content provider and that abuse is avoided.***

Or. en

Amendment 772

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part V – subheading 2 – indent 5 a (new)

Motion for a resolution

Amendment

- ***Both the alternative dispute resolution mechanism and the right to***

have recourse to a competent national court should be expressly notified, together, in a clear and concise manner, when making, contesting, or receiving a decision on an alert. Legislation on digital services should present the principle of this organisation of dispute resolution in a similarly clear and concise manner, within a single article, along the lines of Article 17 (9) of Directive 2019/790/ EU.

Or. fr

Amendment 773
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – subheading 2 a (new)

Motion for a resolution

Amendment

2a. Independent dispute settlement bodies

Or. en

Amendment 774
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – subheading 2 a (new)

Motion for a resolution

Amendment

2a. Independent dispute settlement bodies

Independent dispute settlement bodies should be established to allow users a referral in order to contest a decision taken by an online intermediary. These

bodies should: be established by Member States to serve as a tribunal system providing simplified and speedier legal procedures tailored to the nature of online content moderation disputes; be composed of legal experts and complement the judicial system; be tasked with the settlement of disputes between content uploaders and an intermediary regarding the legality of user-uploaded content and the correct application of terms of services or other internal rules when they relate to content moderation decisions taken by the intermediary; issue reports on the number of referrals brought before them, including the number of referrals given heed to.

Or. en

Amendment 775
Alexandra Geese
on behalf of the Greens/EFA Group

Motion for a resolution
Annex I – part V – subheading 2 b (new)

Motion for a resolution

Amendment

2b. Social Media Councils

Social Media Councils should be set up by the Commission in order to set up open, transparent, accountable, participatory, multi-stakeholder and voluntary mechanism to address content moderation issues. These Councils should: include representatives of a diverse society including freedom of expression experts, academia, child protection experts, representatives of non-discrimination organisations and equality bodies; divers meaning the criteria laid out in Article 21 of the Charter of Fundamental Rights of the European Union; be composed of at least 60% women and non-binary gender identities; be independent from

government, commercial and special interests, be established in a fully participatory, inclusive, democratic and transparent process; issue non-binding guiding principles for content moderation issues; foster a participative and transparent public debate around content moderation issues; and provide public access to decisions and documents; set out policy recommendations in case further regulation is needed.

Or. en

Amendment 776

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – introductory part

Motion for a resolution

The notice-and-action mechanisms should be transparent and available *to any interested party*; to that end, online intermediaries should be obliged to publish annual reports *with* information on:

Amendment

The notice-and-action mechanisms should be transparent and *publicly* available; to that end, online intermediaries *and Member States* should be obliged to publish annual reports. *Online intermediaries' reports should be standardized and contain* information on:

Or. en

Amendment 777

Arba Kokalari

Motion for a resolution

Annex I – part V – paragraph 3 – introductory part

Motion for a resolution

The notice-and-action mechanisms should be transparent and available to any interested party; to that end, online

Amendment

The notice-and-action mechanisms should be transparent and available to any interested party; to that end, online

intermediaries should be obliged to publish annual reports with information on:

intermediaries, *except SMEs and microenterprises*, should be obliged to publish annual reports with information on:

Or. sv

Amendment 778

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

Motion for a resolution

Annex I – part V – paragraph 3 – introductory part

Motion for a resolution

The notice-and-action mechanisms should be transparent and available to any interested party; to that end, online intermediaries should be obliged to publish *annual reports* with information on:

Amendment

The notice-and-action mechanisms should be transparent and available to any interested party; to that end, online intermediaries should be obliged to publish *a report* with information on:

Or. en

Amendment 779

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 1 a (new)

Motion for a resolution

Amendment

- *the response time per type of content;*

Or. en

Amendment 780

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 4 a (new)

Motion for a resolution

Amendment

- *the number of erroneous takedowns;*

Or. en

Amendment 781

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

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5

Motion for a resolution

Amendment

- the description of the content moderation model applied by the hosting intermediary, *as well as any algorithmic decision making which influences the content moderation process.*

- the description of the content moderation model applied by the hosting intermediary.

Or. en

Amendment 782

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

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5

Motion for a resolution

Amendment

- the description of the content moderation model applied by the hosting intermediary, *as well as any algorithmic decision making which influences the content moderation process.*

- the description of the content moderation model applied by the hosting intermediary.

Or. en

Amendment 783

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5

Motion for a resolution

- the description of the content moderation model applied by the hosting intermediary, as well as any algorithmic decision making which influences the content moderation process.

Amendment

- the description of the content moderation model applied by the hosting intermediary, as well as any algorithmic decision making ***and its functioning and logic*** which influences the content moderation process.

Or. en

Amendment 784

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5 a (new)

Motion for a resolution

Amendment

- ***an obligation for intermediaries to provide the aggregated data of transparency reports via a publicly available real-time API. Such an API should be standardised by the European regulator to allow for comparability across providers.***

Or. en

Amendment 785

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

Motion for a resolution
Annex I – part V – paragraph 3 – indent 5 a (new)

Motion for a resolution

Amendment

- *the measures they adopt with regards to repeated infringers to ensure that the measures are effective in tackling such systemic abusive behaviour.*

Or. en

Amendment 786
Maria Grapini, Brando Benifei, Adriana Maldonado López

Motion for a resolution
Annex I – part V – paragraph 3 – indent 5 a (new)

Motion for a resolution

Amendment

- *the number of products that have been found to be counterfeit or illegal and have been removed from online platforms.*

Or. en

Amendment 787
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 3 – indent 5 b (new)

Motion for a resolution

Amendment

- *Member States' reports should contain information on: the number, nature and legal basis of content restriction requests sent to intermediaries; on the actions taken as a result of those requests.*

Or. en

Amendment 788

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

Motion for a resolution

Annex I – part V – paragraph 3 a (new)

Motion for a resolution

Amendment

They should be required to update this report on an annual basis where there is a significant change from one year to the next or where a provider is a "systemic platform".

Or. en

Amendment 789

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

Motion for a resolution

Annex I – part V – paragraph 3 b (new)

Motion for a resolution

Amendment

The obligation to publish and the required detail of this report should take into account the size or the scale on which online intermediaries operate and whether they have only limited resources and expertise and if there is a need for effective and appropriate safeguards accompanying such mechanisms.

Or. en

Amendment 790

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part V – paragraph 4

Motion for a resolution

The Digital Services Act should protect **and** uphold the current limited exemptions from secondary liability for information society service providers (online intermediaries) provided for in Article 12, 13, and 14 of the current E-Commerce Directive.

Amendment

The Digital Services Act should protect, uphold **and adapt** the current limited exemptions from secondary liability for information society service providers (online intermediaries) provided for in Article 12, 13, and 14 of the current E-Commerce Directive **to new challenges in the digital landscape. Therefore, the Digital Services Act should introduce a tailored liability regime with proper enforcement mechanisms for commercial activities on online market places in order to guarantee consumer protection and product safety.**

Or. en

Amendment 791

Marc Angel, Sylvie Guillaume

Motion for a resolution

Annex I – part V – paragraph 4

Motion for a resolution

The Digital Services Act should **protect and uphold** the current **limited exemptions from secondary liability for information society service providers (online intermediaries)** provided for in Article 12, 13, and 14 of the current E-Commerce Directive.

Amendment

The Digital Services Act should **preserve and upgrade** the current liability **regime** provided for in Article 12, 13, and 14 of the current E-Commerce Directive; **Without prejudice to Article 6a (d) of the Directive (EU) 2019/2161, the Digital Services Act should set up a special liability regime for online marketplaces, including those services which allow the conclusion of a distance contract between a trader and a consumer via advertisements, digital comparison, reputation or other advisory services.**

Or. en

Amendment 792
Salvatore De Meo, Carlo Fidanza

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

Motion for a resolution

The Digital Services Act should protect and uphold the current limited *exemptions from secondary* liability for information society service providers (online intermediaries) provided for in Article 12, 13, and 14 of the current E-Commerce Directive.

Amendment

The Digital Services Act should protect and uphold the *scope of the* current limited liability *regime* for information society service providers (online intermediaries) provided for in Article 12, 13, and 14 of the current E-Commerce Directive.

Or. en

Amendment 793
Eugen Jurzyca, Adam Bielan, Beata Mazurek

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

Motion for a resolution

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. *The revised measures should clarify if interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.*

Amendment

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts.

Or. en

Amendment 794

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

Motion for a resolution

Annex I – part V – paragraph 5

Motion for a resolution

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should **clarify if interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.**

Amendment

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should **codify the jurisprudence of the European Court of Justice on the matter.**

Or. en

Amendment 795

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 5

Motion for a resolution

The Digital Services Act should **address the lack of legal certainty regarding** the concept of active vs passive hosts. The revised measures should clarify if interventions by hosting providers having **editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise**

Amendment

The Digital Services Act should **consider replacing** the concept of active vs passive hosts. The revised measures should clarify if interventions by hosting providers **creating the content or** having a certain “degree of **contribution to the illegality of the content**” and which amounts to adoption of the third-party content as one’s own (as judged by average users or

curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one's own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

consumers), *as well as the question whether a provider is optimizing economic models of services in ways that bring inherent risks of illegal or harmful content/activity and/or fundamental rights and freedoms* should lead to a loss of safe harbour provisions due to their active nature.

Or. en

Amendment 796

Adriana Maldonado López, Clara Aguilera

Motion for a resolution

Annex I – part V – paragraph 5

Motion for a resolution

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should clarify if interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one's own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Amendment

The Digital Services Act should, *in line with existing European legislation*, address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should clarify if interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one's own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Or. es

Amendment 797

Salvatore De Meo

Motion for a resolution

Annex I – part V – paragraph 5

Motion for a resolution

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should clarify *if* interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Amendment

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should clarify *that* interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Or. en

Amendment 798

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part V – paragraph 5

Motion for a resolution

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should clarify *if* interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Amendment

The Digital Services Act should address the lack of legal certainty regarding the concept of active vs passive hosts. The revised measures should clarify *that* interventions by hosting providers having editorial functions and a certain “degree of control over the data,” through tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Or. en

Amendment 799

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

Motion for a resolution

Annex I – part V – paragraph 5 a (new)

Motion for a resolution

Amendment

The Digital Service Act should maintain its protections of non-active providers and other backend and infrastructure services which are not party to the contractual relations between online intermediaries and its business or private customers. Such backend services should not be held liable for actions which they did not have an active overarching decision making role and which merely implement decisions by the online intermediaries or its customers.

Or. en

Amendment 800

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

Motion for a resolution

Annex I – part V – paragraph 5 b (new)

Motion for a resolution

Amendment

New proposals of obligations on content management and moderation, if deemed necessary beyond a notice-and-action mechanism, should be only possible within the framework of the suggested regulation on ex-ante measures for significant market players.

Or. en

Amendment 801

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 6

Motion for a resolution

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive. Online intermediaries should not be subject to general monitoring obligations.

Amendment

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive ***clarifying however that the indiscriminate verification and analysis of all content or communications hosted by an information society service provider also falls within the definition of general monitoring.*** Online intermediaries should not be subject to general monitoring obligations.

Or. en

Amendment 802

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

Motion for a resolution

Annex I – part V – paragraph 6

Motion for a resolution

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive. Online intermediaries should not be subject to general monitoring obligations.

Amendment

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive. Online intermediaries should not be subject to general monitoring obligations, ***including any requirements for ex-ante control measures based on automated tools or upload-filtering of content.***

Or. en

Amendment 803
Salvatore De Meo

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

Motion for a resolution

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive. Online intermediaries ***should not be subject to general monitoring obligations.***

Amendment

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive ***applicable to passive*** online intermediaries.

Or. en

Amendment 804
Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution
Annex I – part V – paragraph 6 a (new)

Motion for a resolution

Amendment

Voluntary measures

A voluntary measures clause would encourage companies to engage in additional voluntary actions for content moderation, above what is required by law. The purpose would be to remove an assumption and a risk that if a company engages in a good faith in such voluntary actions, it automatically loses the safe harbour protection.

In the current legislative environment, companies undertake such measures at their own risk, as they may incur liability for failing to act in relation to illegal content that they identify, even when they conclude in good faith that the content need not be removed.

The risk of liability creates a perverse incentive for companies to either refrain from taking reasonable proactive moderation, or to over-remove valuable

content in the course of moderating and consequently possibly violating the freedom of speech or other fundamental rights.

A voluntary measures clause would also ensure that where a platform or an information society service provider has voluntarily reviewed one or more pieces of content in respect of one or more types of unlawfulness (or for violations of its content policies, e.g., defamation), the provider is not deemed to have knowledge of the unlawfulness of other, unreviewed, pieces of content on its platform (copyright violations). Equally, the provision would ensure that where the information society service provider has voluntarily reviewed content in respect of one or more types of unlawfulness (or for violations of its content policies), the provider is not deemed to have knowledge of all of the other potential ways in which that same content might be unlawful.

Or. en

Amendment 805

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

Motion for a resolution

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

Motion for a resolution

Amendment

The Digital Service Act, however, may allow for voluntary actions which would allow for online intermediaries to take social responsibility without losing the protections of article 14.

Or. en

Amendment 806
Eugen Jurzyca

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

Motion for a resolution

The Digital Services Act should propose specific rules for online market places for the online sale of products and services to consumers.

Amendment

The Digital Services Act ***or conjoin non-legislative measures*** should propose specific rules for online market places for the online sale of products and services to consumers.

Or. en

Amendment 807
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

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

Motion for a resolution

The Digital Services Act should propose specific rules for online market places for the online sale of products and services to consumers.

Amendment

The Digital Services Act should propose specific rules for online market places for the online sale, ***promotion or supply*** of products and services to consumers.

Or. en

Amendment 808
Pablo Arias Echeverría, Pilar del Castillo Vera, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Romana Tomc, Andreas Schwab

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

Motion for a resolution

The Digital Services Act should propose specific rules for online market places for

Amendment

The Digital Services Act should propose specific rules for online market places for

the online sale of products and services to consumers.

the online sale of products and *provision of* services to consumers.

Or. en

Amendment 809
Eugen Jurzyca

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 1

Motion for a resolution

Amendment

- *cover all entities that offer services and/or products to consumers in the Union, including if they are established outside the Union;* *deleted*

Or. en

Amendment 810
Eugen Jurzyca

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 3

Motion for a resolution

Amendment

- ensure that online marketplaces make it clear in which country the products or services are being provided, regardless whether they are provided by that marketplace, a third party *or a seller established inside or outside the Union;*

- ensure that online marketplaces make it clear in which country the products or services are being provided, regardless whether they are provided by that marketplace, a third party;

Or. en

Amendment 811
Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Pascal Arimont, Marion Walsmann, Romana Tomc, Andreas Schwab

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 3

Motion for a resolution

- ensure that online marketplaces make it clear **in** which country the products or services are being provided, regardless whether they are provided by that marketplace, a third party or a seller established inside or outside the Union;

Amendment

- ensure that online marketplaces make it clear **to** which country the products **are sold** or services are being provided, regardless whether they are provided by that marketplace, a third party or a seller established inside or outside the Union;

Or. en

Amendment 812
Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 3 a (new)

Motion for a resolution

Amendment

- ***include clear obligations to ensure that online markets meet transparency, accountability and traceability requirements and implement proactive and reactive measures to prevent illegal and unsafe products from being offered for sale to EU consumers;***

Or. es

Amendment 813
Adam Bielan, Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 4

Motion for a resolution

- ensure that online marketplaces remove any misleading information given by the supplier or by customers, including

Amendment

- ensure that online marketplaces remove, ***in accordance with notification made by relevant authorities*** any

misleading guarantees and statements made by the supplier;

misleading information given by the supplier or by customers, including misleading guarantees and statements made by the supplier;

Or. en

Amendment 814

Róza Thun und Hohenstein, Andrey Kovatchev, Tomislav Sokol

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 4

Motion for a resolution

- ensure that online marketplaces remove any misleading information given by the supplier *or by customers, including misleading guarantees and statements made by the supplier*;

Amendment

- ensure that online marketplaces remove any misleading information given by the supplier;

Or. en

Amendment 815

Alexandra Geese

on behalf of the Greens/EFA Group

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 4

Motion for a resolution

- ensure that online marketplaces remove any misleading information given by the supplier or by customers, including misleading guarantees and statements made by the supplier;

Amendment

- ensure that online marketplaces remove any misleading information given by the supplier or by customers, including misleading guarantees and statements made by the supplier, *or otherwise would become liable*;

Or. en

Amendment 816

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

Maria da Graça Carvalho

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 4

Motion for a resolution

- ensure that online marketplaces remove any misleading information given by the supplier or by customers, including misleading guarantees and statements made by the supplier;

Amendment

- ensure that online marketplaces remove **quickly** any misleading information given by the supplier or by customers, including misleading guarantees and statements made by the supplier;

Or. en

Amendment 817

Evelyne Gebhardt, Monika Beňová, Brando Benifei, Biljana Borzan, Andreas Schieder, Marc Angel, Adriana Maldonado López

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 4 a (new)

Motion for a resolution

- ***oblige online market places to display the possession of a qualification where a service provision requires the existence of a certain qualification to avoid misleading or deceptive information to consumers;***

Amendment

Or. en

Amendment 818

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 4 a (new)

Motion for a resolution

- ***ensure that online marketplaces foresee an easy to find specific contact***

Amendment

point for consumers and national authorities for the notice of unsafe goods on their website;

Or. en

Amendment 819

Marion Walsmann, Christian Doleschal, Maria da Graça Carvalho

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 4 b (new)

Motion for a resolution

Amendment

- *ensure that online marketplaces have to check if a product is on the Union Rapid Alert System for dangerous non-food products (Rapex) before placing it on their website;*

Or. en

Amendment 820

Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

Amendment

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours;

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours; *online markets are required to cooperate with the authorities, keeping them informed as soon as they become aware of products on their platforms that are unsafe or non-compliant with European safety standards;*

Amendment 821

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours;

Amendment

- once products have been identified as unsafe **and/or counterfeit** by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours **and measures should be taken to prevent their reappearance on the marketplace**;

Or. en

Amendment 822

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours;

Amendment

- once products have been identified as unsafe by the Union's rapid alert systems, **by national market surveillance authorities, by customs authorities** or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours;

Or. en

Amendment 823

Beata Mazurek, Eugen Jurzyca, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

- once products have been identified as unsafe by the Union’s rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within **24 hours**;

Amendment

- once products have been identified as unsafe by the Union’s rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within ***a reasonable time of receiving a notification from the relevant authorities***;

Or. en

Amendment 824

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

- once products have been identified as unsafe by the Union’s rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within **24 hours**;

Amendment

- once products have been identified as unsafe by the Union’s rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within ***two working days of receiving notification***;

Or. en

Amendment 825

Eugen Jurzyca, Adam Bielan

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within **24 hours**;

Amendment

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within **reasonable time**;

Or. en

Amendment 826

Alexandra Geese

on behalf of the Greens/EFA Group

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5 a (new)

Motion for a resolution

- include an obligation to protect users, so that in case an online marketplace has obtained credible evidence of illegal activities on its platform, but fails to take adequate measures for the protection of the online consumer, it becomes liable for consumers' damages resulting from that failure;

Amendment

Or. en

Amendment 827

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5 a (new)

Motion for a resolution

- oblige online marketplaces to exchange information on repeat offenders and to take measures to avoid that goods

Amendment

taken down from one website reappear on other online marketplaces;

Or. en

Amendment 828

Maria Grapini, Brando Benifei, Marc Angel, Adriana Maldonado López

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 6

Motion for a resolution

- oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls are carried out effectively;

Amendment

- oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls are carried out effectively; ***online marketplaces must inform consumers if a product they have previously bought has been removed because it was not compliant;***

Or. en

Amendment 829

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 6

Motion for a resolution

- oblige online marketplaces to inform consumers of any safety issues and ***of*** any action required to ensure that recalls are carried out effectively;

Amendment

- oblige online marketplaces to inform consumers of any safety issues and ***to enhance cooperation with national authorities and consumer associations on recalls and take*** any action required to ensure that recalls are carried out effectively;

Or. en

Amendment 830

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 6

Motion for a resolution

- oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls are carried out effectively;

Amendment

- oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls are carried out effectively; ***be consistent with and complementary to a reform of the General Product Safety Directive;***

Or. en

Amendment 831

Róza Thun und Hohenstein, Andrey Kovatchev, Tomislav Sokol

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 6

Motion for a resolution

- oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls are carried out effectively;

Amendment

- ***once the product has been removed,*** oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls are carried out effectively;

Or. en

Amendment 832

Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 6

Motion for a resolution

- oblige online marketplaces to inform consumers of any safety issues and of any action required to ensure that recalls

Amendment

- oblige online marketplaces to inform consumers ***promptly*** of any safety issues and of any action required to ensure

are carried out effectively;

that recalls are carried out effectively;

Or. es

Amendment 833

Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 7

Motion for a resolution

Amendment

- *address the liability for the online marketplaces when platforms have predominant influence over suppliers and essential elements of the economic transactions such as payment means, prices, default terms conditions, or conduct aimed at facilitating the sale of goods to a consumer on the European market, and there is no manufacturer, importer, or distributor established in the Union that can be held liable;*

deleted

Or. en

Amendment 834

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 7

Motion for a resolution

Amendment

- address the liability for the online marketplaces when platforms have predominant influence over suppliers and essential elements of the economic transactions such as payment means, prices, default terms conditions, or conduct aimed at facilitating the sale of goods to a consumer on the European market, and there is no manufacturer, importer, or distributor established in the Union that

- address, *in line with their liability*, the liability for the online marketplaces when platforms have predominant influence over suppliers and essential elements of the economic transactions such as payment means, prices, default terms conditions, or conduct aimed at facilitating the sale of goods to a consumer on the European market, and there is no manufacturer, importer, or distributor established in the Union that can be held

can be held liable;

liable;

Or. fr

Amendment 835

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 7 a (new)

Motion for a resolution

Amendment

- *explore the option that suppliers which are established in a third country have to designate a legal representative, established in the Union, who can be held accountable for the selling of products to European consumers which do not comply with Union rules of safety;*

Or. en

Amendment 836

Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 8

Motion for a resolution

Amendment

- *address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information, guarantees, or statements;*

deleted

Or. en

Amendment 837
Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 8

Motion for a resolution

- address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information, guarantees, or statements;

Amendment

- address, ***in line with their liability***, the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information, guarantees, or statements;

Or. fr

Amendment 838
Dita Charanzová, Ivars Ijabs, Vlad-Marius Botoș, Andrus Ansip, Karen Melchior, Liesje Schreinemacher, Svenja Hahn

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 8

Motion for a resolution

- address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information, guarantees, or statements;

Amendment

- address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace ***willingly*** provides misleading information, guarantees, or statements;

Or. en

Amendment 839
Róża Thun und Hohenstein, Andrey Kovatchev, Tomislav Sokol

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 8

Motion for a resolution

- address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information, *guarantees, or statements*;

Amendment

- address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information;

Or. en

Amendment 840
Evelyne Gebhardt, Monika Beňová, Andreas Schieder, Marc Angel, Adriana Maldonado López

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 8 a (new)

Motion for a resolution

- *while online marketplaces must be liable for damages, contract performance and guarantees and while consumers must be able to exercise the same rights and remedies available against the supplier or producer, the online market place should have a right to redress towards the party at fault;*

Amendment

Or. en

Amendment 841
Adriana Maldonado López, Clara Aguilera, Marc Angel

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 8 a (new)

Motion for a resolution

Amendment

- ***include obligations for online markets regarding the collection and verification of sellers' contact information prior to authorising the creation of an account.***

Similarly, details of unsafe and illegal products should also be shared with the competent authorities;

Or. es

Amendment 842
Eugen Jurzyca

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 9

Motion for a resolution

Amendment

- ***explore expanding the commitment made by some e-commerce retailers and the Commission to remove dangerous products from sale more rapidly under the voluntary commitment scheme called “Product Safety Pledge” and indicate which of those commitments could become mandatory.***

deleted

Or. en

Amendment 843
Brando Benifei, Maria Grapini, Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Clara Aguilera, Marc Angel

Motion for a resolution
Annex I – part VI – paragraph 2 – indent 9

Motion for a resolution

- explore expanding the commitment made by some e-commerce retailers and the Commission to remove dangerous products from sale more rapidly under the voluntary commitment *scheme* called “Product Safety Pledge” and indicate which of those commitments could become mandatory.

Amendment

- explore expanding the commitment made by some e-commerce retailers and the Commission to *respectively* remove dangerous *or counterfeit* products from sale more rapidly under the voluntary commitment *schemes* called “Product Safety Pledge” *and "Memorandum of Understanding on the sale of counterfeit goods via the internet"* and indicate which of those commitments could become mandatory.

Or. en

Amendment 844

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

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 9

Motion for a resolution

- explore *expanding the commitment made by some e-commerce retailers and the Commission to remove dangerous products from sale more rapidly under the voluntary commitment scheme* called “Product Safety Pledge” *and indicate which of those commitments could become mandatory.*

Amendment

- explore *positive incentives that could encourage further companies to join* the voluntary commitment scheme called “Product Safety Pledge”.

Or. en

Amendment 845

Alexandra Geese

on behalf of the Greens/EFA Group

Petra De Sutter, Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 9 a (new)

Motion for a resolution

Amendment

- ***ensure that online market places provide clear and easily understandable information to consumers on the impact of e-commerce on the environment; more particularly, online market places should be obliged to provide information on the use of sustainable and efficient product delivery methods, of environmentally sound packaging, as well as on the carbon footprint and other environmental impacts of returning unwanted items, involving double transportation or requiring disposal rather than resale.***

Or. en

Amendment 846

Andreas Schieder, Maria Grapini

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 9 a (new)

Motion for a resolution

Amendment

- ***oblige platform providers to clarify the identity of commercial third-party providers based on the commercial register, to take out insurance to compensate consumers if dubious third-party providers are not available on the platform or otherwise escape their responsibility, to prevent reported illegal offers from appearing again and to promptly check the fraud cases reported by consumers.***

Or. en

Amendment 847

Petra Kammerevert

Motion for a resolution
Annex I – part VII – title

Motion for a resolution

VII. EX-ANTE REGULATION OF
SYSTEMIC PLATFORMS

Amendment

VII. EX-ANTE REGULATION OF
DOMINANT PLATFORMS

Or. de

Amendment 848
Eugen Jurzyca

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

Motion for a resolution

The Digital Services Act should put forward a proposal to ensure that the systemic role of specific online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs.

Amendment

The Digital Services Act should put forward a proposal to ensure that the systemic role of specific online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs *while respecting the competition policy legislation and principles. The new framework should respect the fact that it is the abuse of dominant position which should be cautiously addressed not the dominant position itself.*

Or. en

Amendment 849
Pablo Arias Echeverría, Pilar del Castillo Vera, Marion Walsmann, Andrey Kovatchev, Edina Tóth, Maria da Graça Carvalho, Romana Tomc, Andreas Schwab

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

Motion for a resolution

The Digital Services Act should put forward a proposal to ensure that the systemic role of specific online platforms

Amendment

The Digital Services Act should put forward a proposal to ensure that the systemic role of specific online platforms

will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs.

will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs, ***entrepreneurs and start-ups, creating market failures;***

Or. en

Amendment 850

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 1

Motion for a resolution

The Digital Services Act should put forward a proposal to ensure that the systemic role of ***specific*** online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs.

Amendment

The Digital Services Act should put forward a proposal to ensure that the systemic role of ***certain*** online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs, ***and to provide for real consumer choice.***

Or. en

Amendment 851

Petra Kammerevert

Motion for a resolution

Annex I – part VII – paragraph 1

Motion for a resolution

The Digital Services Act should put forward a proposal to ensure that the ***systemic*** role of specific online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs.

Amendment

The Digital Services Act should put forward a proposal to ensure that the ***dominant*** role of specific online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs.

Or. de

Amendment 852

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

Motion for a resolution

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

Motion for a resolution

Amendment

The Digital Services Act should do so in a separate instrument than the revision of the E-Commerce Directive.

Or. en

Amendment 853

Eugen Jurzyca

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

Amendment

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, ***building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;***

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world;

Or. en

Amendment 854

Arba Kokalari

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

Amendment

- set up an ex-ante mechanism to

- set up an ex-ante mechanism to

prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; ***such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;***

prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation;

Or. sv

Amendment 855

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism ***to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;***

Amendment

- set up an ex-ante mechanism ***that lays down conditions, which if met, would require additional transparency measures and requirements, in addition to those in the Platform to Business Regulation;***

Or. en

Amendment 856

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair

Amendment

- set up an ***asymmetric*** ex-ante mechanism to prevent (instead of merely

market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;

remedy) unfair market behaviour by "systemic platforms" in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies **with a significant market position** in order to address market failures, without the establishment of a breach of regulatory rules;

Or. en

Amendment 857

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose **remedies** on these companies in order to address market failures, **without the establishment of a breach of regulatory rules**;

Amendment

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose **sanctions** on these companies in order to address market failures;

Or. en

Amendment 858

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism to prevent (instead of merely remedy) **unfair** market behaviour **by** “systemic platforms”

Amendment

- set up an ex-ante mechanism to prevent (instead of merely remedy) market **failures caused by the** behaviour **of**

in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;

“systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;

Or. en

Amendment 859
Petra Kammerevert

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “**systemic** platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;

Amendment

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “**dominant** platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of regulatory rules;

Or. de

Amendment 860
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the

Amendment

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the

Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of **regulatory** rules;

Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of **competition** rules;

Or. en

Amendment 861

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 2

Motion for a resolution

- ***empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as “systemic platforms”, from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; undertakings should be given the possibility to demonstrate that the behaviour in question is justified, yet they should bear the burden of proof for this;***

Amendment

- ***such a mechanism should allow the national regulatory authority of the country of origin to impose remedies on these companies in order to address market failures, based on the conditions within the legal instrument and a closed list of positive and negative actions. This report should not prejudice of this list and the impact assessment should make a thorough analysis of the different issues observed on the market so far such as:***

- discrimination in intermediary services;
- making the use of data for making market entry by third parties more difficult;
- ***lack of interoperability and appropriate tools, data, expertise, and resources deployed to allow consumers switch between digital platforms or internet ecosystems***
- ***obligations on content management and moderation, such as content recommendations and personalisation of a user interface.***

Or. en

Amendment 862

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 2

Motion for a resolution

- empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as “systemic platforms”, from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; undertakings should be given the possibility to demonstrate that the behaviour in question is justified, yet they should bear the burden of proof for this;

Amendment

- empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as "systemic platforms", from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; ***data envelopment used to expand dominant position in adjacent markets, incurring in self-preferencing of their own products and services*** and engaging in practices aimed at locking-in consumers; undertakings should be given the possibility to demonstrate that the behaviour in question is justified, yet they should bear the burden of proof for this;

Or. en

Amendment 863

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 2

Motion for a resolution

- empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as “systemic platforms”, from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; undertakings should be

Amendment

- empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as “systemic platforms”, from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; ***in response to detailed***

given the possibility to demonstrate that the behaviour in question is justified, *yet they should bear the burden of proof for this*;

findings by a regulatory authority, undertakings should be given the possibility to demonstrate that the behaviour in question is justified *prior to any order entering into force*;

Or. en

Amendment 864
Petra Kammerevert

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

Motion for a resolution

- empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as “*systemic* platforms”, from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; undertakings should be given the possibility to demonstrate that the behaviour in question is justified, yet they should bear the burden of proof for this;

Amendment

- empower regulatory authorities to issue orders prohibiting undertakings, which have been identified as “*dominant* platforms”, from the following practices, inter alia: discrimination in intermediary services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; undertakings should be given the possibility to demonstrate that the behaviour in question is justified, yet they should bear the burden of proof for this;

Or. de

Amendment 865
Eugen Jurzyca, Adam Bielan, Beata Mazurek

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

Motion for a resolution

- empower *regulatory* authorities to issue orders prohibiting undertakings, which have been identified as “systemic platforms”, from the following practices, inter alia: discrimination in intermediary

Amendment

- empower authorities to issue orders prohibiting undertakings, which have been identified as “systemic platforms”, from the following practices, inter alia: discrimination in intermediary services;

services; making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers; undertakings should be given the possibility to demonstrate that the behaviour in question is justified, ***yet they should bear the burden of proof for this***;

making the use of data for making market entry by third parties more difficult; and engaging in practices aimed at locking-in consumers ***yet authorities should bear the burden of proof for this***; undertakings should be given the possibility to demonstrate that the behaviour in question is justified;

Or. en

Amendment 866

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 2 a (new)

Motion for a resolution

Amendment

- ***explore other ex-ante remedies that prevent the creation of new systemic platforms. In addition to reactive ex-ante mechanism, the Digital Services Act should envisage preventive mechanisms that prevent the creation of digital gatekeepers;***

Or. en

Amendment 867

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 2 a (new)

Motion for a resolution

Amendment

- ***empower the Commission to impose further conditions and decisions in relation to the rules of competition, including on self-preferencing and overall vertical integration, while ensuring that both policy tools are completely***

independent;

Or. en

Amendment 868

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 2 b (new)

Motion for a resolution

Amendment

- *reserve to the Commission the power to decide if an information society service provider is a “systemic platform” based on the conditions of the mechanism;*

Or. en

Amendment 869

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 3

Motion for a resolution

Amendment

- *clarify that some regulatory remedies should be imposed on all “systemic platforms” without the need for a decision by a regulatory authority, such as prohibition for “systemic platforms” to engage in self-preferencing or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;*

deleted

Or. en

Amendment 870

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 3

Motion for a resolution

Amendment

- clarify that some regulatory remedies should be imposed on all "systemic platforms" without the need for a decision by a regulatory authority, such as prohibition for "systemic platforms" to engage in self-preferencing or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;

deleted

Or. en

Amendment 871

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 3

Motion for a resolution

Amendment

- clarify that some regulatory remedies should be imposed on all "systemic platforms" without the need for a decision by a regulatory authority, such as prohibition for "systemic platforms" to engage in self-preferencing or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;

- clarify that some regulatory remedies should be imposed on all "systemic platforms" without the need for a decision by a regulatory authority, such as **transparency in the way the dominant platforms conduct business: in particular how they collect or use data**, prohibition for "systemic platforms" to engage in self-preferencing or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses, **prohibition on**

asymmetric business terms;

Or. en

Amendment 872
Petra Kammerevert

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 3

Motion for a resolution

- clarify that some regulatory remedies should be imposed on all “**systemic** platforms” without the need for a decision by a regulatory authority, such as prohibition for “**systemic** platforms” to engage in **self-preferencing** or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;

Amendment

- clarify that some regulatory remedies should be imposed on all “**dominant** platforms” without the need for a decision by a regulatory authority, such as prohibition for “**dominant** platforms” to engage in **self-referencing** or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;

Or. de

Amendment 873
Pablo Arias Echeverría, Róza Thun und Hohenstein, Tomislav Sokol, Andrey Kovatchev, Romana Tomc, Andreas Schwab

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 3

Motion for a resolution

- clarify that some regulatory **remedies** should be **imposed on** all “systemic platforms” without the need for a decision by a regulatory authority, such as prohibition for “systemic platforms” to engage in **self-preferencing** or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;

Amendment

- clarify that some regulatory **measures** should be **addressed to** all “systemic platforms” without the need for a decision by a regulatory authority, such as prohibition for “systemic platforms” to engage in **self-preferencing** or in any practices aimed at making it more difficult for consumers to switch suppliers, or other forms of discrimination that exclude or disadvantage other businesses;

Amendment 874

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 4

Motion for a resolution

- empower regulatory authorities to adopt interim measures and to impose fines on “systemic platforms” that fail to respect the different regulatory obligations imposed on them;

Amendment

- empower regulatory authorities to adopt interim measures, and to impose ***behavioural remedies in the first instance and if these are not satisfied within the time limit settled by authorities, subsequently proportionate*** fines on “systemic platforms” that fail to respect the different regulatory obligations imposed on them;

Or. en

Amendment 875

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 4

Motion for a resolution

- empower regulatory authorities to adopt interim measures and to impose ***fin***es on “systemic platforms” that fail to respect the different regulatory obligations imposed on them;

Amendment

- empower regulatory authorities to adopt interim measures and to impose ***penalties*** on "systemic platforms" that fail to respect the different regulatory obligations imposed on them;

Or. en

Amendment 876

Petra Kammerevert

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 4

Motion for a resolution

- empower regulatory authorities to adopt interim measures and to impose fines on “**systemic** platforms” that fail to respect the different regulatory obligations imposed on them;

Amendment

- empower regulatory authorities to adopt interim measures and to impose fines on “**dominant** platforms” that fail to respect the different regulatory obligations imposed on them;

Or. de

Amendment 877

Martin Schirdewan, Emmanuel Maurel, Stelios Kouloglou

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 5

Motion for a resolution

- ensure that the rights, obligations and principles of the GDPR – including data minimisation, purpose limitation, data protection by design and by default, legal grounds for processing – must be observed;

Amendment

- ensure that the rights, obligations and principles of the GDPR – including data minimisation, purpose limitation, data protection by design and by default, legal grounds for processing – must be observed ***and that shortcomings in view of profile building must be addressed in order to ensure adequate protection of consumers;***

Or. en

Amendment 878

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 5 a (new)

Motion for a resolution

Amendment

- ***ensure that users of "systemic platforms" will be able to effectively control results of algorithms suggesting them specific content; users should be***

properly informed of all the reasons why specific content is suggested to them;

Or. en

Amendment 879

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

Amendment

- *impose high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.*

deleted

Or. en

Amendment 880

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- impose high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

Amendment

- impose high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) ***to be provided by systemic platforms, especially social media and messaging services***, that allows users of competing platforms to dock on to the systemic platform and exchange information with it. ***Systemic platforms may not share, retain, monetize, or use any of the data that is received from third-parties during interoperability activities. Interoperability obligations should not limit, hinder or delay the ability of intermediaries to patch vulnerabilities.***

Or. en

Amendment 881

Eugen Jurzyca, Adam Bielan, Beata Mazurek

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- impose ***high*** levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform

Amendment

- impose ***appropriate*** levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform

with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

with no possibility or incentives for switching between digital platforms or internet ecosystems, ***taking into account the trade-off between interoperability and the potential risks of data sharing for consumers***. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it. ***Related detailed estimations of the financial burden on the EU or national budgets must be included in the impact assessment of the Digital Services Act package.***

Or. en

Amendment 882

Jean-Lin Lacapelle, Virginie Joron

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- impose high levels of interoperability measures requiring “systemic platforms” to ***share appropriate tools, data, expertise, and resources deployed*** in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. ***As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows*** users of competing platforms to ***dock on to*** the systemic platform ***and exchange***

Amendment

- impose high levels of ***technical*** interoperability measures requiring “systemic platforms” to ***make their services, mechanisms and interfaces compatible with alternatives*** in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. ***require them also, in order to avoid these same risks, to share appropriate tools, data, expertise, and resources deployed; have the Commission study, as part of these measures, several technologies, standards and open protocols allowing*** users of competing platforms to ***exchange information with*** the systemic platform,

information with it.

while preserving, for the latter, for two years after their effective use, the benefit of its skills, developments and innovations;

Or. fr

Amendment 883

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- **impose** high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users **of competing platforms** to dock on to the systemic platform and exchange information with it.

Amendment

- **ensure** high levels of interoperability measures requiring "systemic platforms" to share appropriate tools, **non-rivalrous data**, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems **and to empower users in deciding what kind of content they want to see**. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users to dock on to the systemic platform and exchange information with it.

Or. en

Amendment 884

Adam Bielan, Beata Mazurek, Andżelika Anna Możdżanowska

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- impose high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

Amendment

- impose high levels of interoperability measures requiring “systemic platforms” ***operating in the same markets*** to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms ***operating in the same markets*** or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

Or. en

Amendment 885
Marcel Kolaja

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- impose high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a

Amendment

- impose high levels of interoperability ***and interconnectivity*** measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the

mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

Or. en

Amendment 886
Petra Kammerevert

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- impose high levels of interoperability measures requiring “**systemic** platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one **systemic** platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the **systemic** platform and exchange information with it.

Amendment

- impose high levels of interoperability measures requiring “**dominant** platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one **dominant** platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the **dominant** platform and exchange information with it.

Or. de

Amendment 887
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part VII – paragraph 2 – indent 6 a (new)

Motion for a resolution

Amendment

- *put in place transparency obligations for recommendation systems of systemic providers including public documentation of rules and criteria for the functioning of recommendation algorithms, of recommendation outputs and their audiences, of content-specific ranking decisions and other interventions by the platform as well as of the organisational structures that control such systems, as well as real-time, high-level, anonymised data access through public APIs to verify the information provided in the public documentation.*

Or. en

Amendment 888

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

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6 a (new)

Motion for a resolution

Amendment

- *ensure safety, transparency, freedom of choice and diversity for consumers.*

Or. en

Amendment 889

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6 b (new)

Motion for a resolution

Amendment

- ***create an unbundling remedy for hosting and content moderation activities thereby allowing third parties to offer content moderation or curation services to the platforms' users. It should be designed as to address the contractual layer and the technical layer.***

Or. en

Amendment 890

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6 c (new)

Motion for a resolution

Amendment

- ***entrust the European Commission Directorate General for Competition with additional powers under Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty to send, following a market investigation, recommendations to market players as a means to intervene before markets tip in favour of the incumbent platform and therefore prevent serious damage to competition and consumers.***

Or. en

Amendment 891

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

Motion for a resolution

Annex I – part VIII – paragraph 1

Motion for a resolution

The Digital Services Act should strengthen the internal market clause as the cornerstone of the Digital Single Market by complementing it with a new cooperation mechanism aimed at improving the cooperation and mutual assistance between Member States, in particular between the home country where the service provider is established and the host country where the provider is offering its services.

Amendment

The Digital Services Act should strengthen the internal market clause as the cornerstone of the Digital Single Market by complementing it with a new cooperation mechanism aimed at improving the cooperation and ***upon request and voluntary*** mutual assistance between Member States, in particular between the home country where the service provider is established and the host country where the provider is offering its services.

Or. en

Amendment 892

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

Motion for a resolution

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

Motion for a resolution

Amendment

However, additional efforts with clear actions are necessary in order to address remaining obstacles in the digital single market and protectionist practices, such as: settling the costs of cross-border disputes, suppliers' restrictions to selling cross-border, delivery-related matters, taxation rules, limited cross-border access to goods and services due to differences in intellectual property rights law, access to information on the relevant regulatory requirements, complex administrative procedures.

Or. en

Amendment 893

Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle

on behalf of the ID Group
Alessandra Basso

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

Motion for a resolution

Amendment

The supervision and enforcement the Digital Services Act should be improved by the creation of central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

deleted

Or. en

Amendment 894
Eugen Jurzyca

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

Motion for a resolution

Amendment

The supervision and enforcement the Digital Services Act should be improved by the creation of central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

deleted

Or. en

Amendment 895
Sandro Gozi, Stéphanie Yon-Courtin

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

Motion for a resolution

Amendment

The supervision and enforcement the Digital Services Act should be improved by the creation of central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

deleted

Or. en

Amendment 896

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

Motion for a resolution

Annex I – part VIII – paragraph 2

Motion for a resolution

Amendment

The supervision and enforcement the Digital Services Act should be improved by ***the creation of central regulatory authority who should be responsible*** for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

The supervision and enforcement the Digital Services Act should be improved by ***giving additional powers to the national regulator of the country of origin*** for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

Or. en

Amendment 897

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 2

Motion for a resolution

Amendment

The supervision and enforcement the

The supervision and enforcement the

Digital Services Act should be improved by the creation of central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

Digital Services Act should be improved by the creation of **a** central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

Or. en

Amendment 898

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

Motion for a resolution

Annex I – part VIII – paragraph 3

Motion for a resolution

Amendment

The central regulatory authority should prioritise cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

deleted

Or. en

Amendment 899

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part VIII – paragraph 3

Motion for a resolution

Amendment

The ***central regulatory authority should prioritise*** cooperation between the Member States to address complex cross-border issues; to that end, ***it*** should work together

The cooperation between the Member States ***should be encouraged and strengthened*** to address complex cross-border issues; to that end, ***the Member***

with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

States and the Commission should work together with the network of independent NEBs, **national regulatory and supervisory authorities as well as with existing network such as the European Consumers Centres Network** and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

Or. en

Amendment 900
Eugen Jurzyca

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

Motion for a resolution

The **central regulatory authority** should prioritise cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have **detailed and extensive enforcement** powers to **launch** initiatives and investigations into cross-border systemic issues.

Amendment

The **Commission** should prioritise cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have powers to **propose launching** initiatives and investigations into cross-border systemic issues **to NEBs. However, it should stay up to NEBs to decide on whether to launch the investigation or not.**

Or. en

Amendment 901
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

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

Motion for a resolution

The central regulatory authority should

Amendment

The central regulatory authority should

prioritise cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

facilitate cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

Or. en

Amendment 902

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

Motion for a resolution

Annex I – part VIII – paragraph 3

Motion for a resolution

The central regulatory **authority** should prioritise cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

Amendment

National regulatory **authorities** should prioritise cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

Or. en

Amendment 903

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

Motion for a resolution

Annex I – part VIII – paragraph 4

Motion for a resolution

The central regulator should coordinate the work of the different authorities

Amendment

deleted

dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Or. en

Amendment 904
Eugen Jurzyca

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

Motion for a resolution

Amendment

The central regulator should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

deleted

Or. en

Amendment 905
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

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

Motion for a resolution

Amendment

The central regulator should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

The central regulator should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms; *in case of disagreement of the NEBs, at the request of the majority of NEBs, or in case of issues relevant for more than one country it takes the final decision.*

Or. en

Amendment 906

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

Motion for a resolution

Annex I – part VIII – paragraph 4

Motion for a resolution

The **central regulator** should **coordinate** the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Amendment

The **Commission, through the Joint Research Centre**, should **offer their expertise and analysis upon request, including aid during investigations**, to the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Or. en

Amendment 907

Sandro Gozi, Stéphanie Yon-Courtin

Motion for a resolution

Annex I – part VIII – paragraph 4

Motion for a resolution

The **central regulator** should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Amendment

The **Commission** should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms. **The Commission should be provided with the adequate means to do so.**

Or. en

Amendment 908

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

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

Motion for a resolution

The central regulator should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Amendment

The central regulator should coordinate the work of the different authorities dealing with illegal **and harmful** content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Or. en

Amendment 909
Andreas Schieder, Sylvie Guillaume, Adriana Maldonado López, Clara Aguilera, Maria Grapini

Motion for a resolution
Annex I – part VIII – paragraph 4 a (new)

Motion for a resolution

Amendment

To this extend, the central regulatory authority should be entrusted with the necessary supervision, monitoring and enforcement power needed to promote cross-border cooperation between Member States with respect to their respective national legal provisions.

Or. en

Amendment 910
Alexandra Geese
on behalf of the Greens/EFA Group
Marcel Kolaja

Motion for a resolution
Annex I – part VIII – paragraph 4 a (new)

Motion for a resolution

Amendment

The investigative powers of the authority should include the right to conduct

audits; in this regard it is essential for the software documentation, the algorithms and data sets used to be fully accessible to the authority, while respecting Union law.

Or. en

Amendment 911

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 4 b (new)

Motion for a resolution

Amendment

The authority should facilitate and support the creation and maintenance of a European research repository that would combine data from multiple platforms to facilitate appeals processes and enable regulators, researchers and NGOs to review and analyse platform decisions.

Or. en

Amendment 912

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 4 c (new)

Motion for a resolution

Amendment

Next to corrective powers, the enforcement powers of the authority should include the right to issue fines of up to 30 000 000 EUR, or in the case of an undertaking, up to 5 % of the total worldwide annual turnover.

Amendment 913
Arba Kokalari

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

Motion for a resolution

Amendment

The central regulator should report to the Union institutions and maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms. *deleted*

Or. sv

Amendment 914
Eugen Jurzyca

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

Motion for a resolution

Amendment

The central regulator should report to the Union institutions and maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms. *deleted*

Or. en

Amendment 915
Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle
on behalf of the ID Group
Alessandra Basso

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

Motion for a resolution

Amendment

The central regulator should report to the Union institutions and maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

deleted

Or. en

Amendment 916

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

Motion for a resolution

Annex I – part VIII – paragraph 5

Motion for a resolution

Amendment

The ***central regulator should report to the Union institutions and*** maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

The ***Commission could*** maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

Or. en

Amendment 917

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 5

Motion for a resolution

Amendment

The central regulator should report to the Union institutions and maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

The central regulator should report to the Union institutions and maintain a ***public*** ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

Or. en

Amendment 918
Sandro Gozi, Stéphanie Yon-Courtin

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

Motion for a resolution

The *central regulator* should *report to the Union institutions and* maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

Amendment

The *Commission* should maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

Or. en

Amendment 919
Eugen Jurzyca

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

Motion for a resolution

The Digital Services Act should also introduce new enforcement elements into Article 16 of the E-Commerce Directive regarding self-regulation.

Amendment

deleted

Or. en